

Responses to Comments on EPA's Designation and Classification
of Areas for the 8-Hour Ozone National Ambient Air Quality Standard

Docket Number OAR-2003-0083
U.S. Environmental Protection Agency
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GLOSSARY OF TERMS

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|-----------------|--|
| BACT | Best Available Control Technology |
| CAA | Clean Air Act |
| CARB | California Air Resources Board |
| COATS | Columbia Area Transportation Study |
| CMSA | C/MSA |
| DV | Design Value |
| EAC | Early Action Compact |
| EPA | Environmental Protection Agency |
| FR | Federal Register |
| IAQCR | Interstate Air Quality Rule |
| IEPA | Illinois EPA |
| MOU | Memorandum of Understanding |
| MPO | Metropolitan Planning Organization |
| MSA | Metropolitan Statistical Area |
| NAA | Nonattainment Area |
| NAICS | North American Industry Classification System |
| NCDENR | North Carolina Department of Environment and Natural Resources |
| NFR | Notice of Final Rulemaking |
| NAAQS | National Ambient Air Quality Standard |
| NOAA | National Oceanic Atmospheric Administration |
| NO _x | Oxides of Nitrogen |
| NPS | National Park Service |
| NSR | New Source Review |
| OAQPS | EPA Office of Air Quality Planning and Standards |
| PMSA | Primary Metropolitan Statistical Area |
| RVP | Reid Vapor Pressure |
| SCDHEC | South Carolina Department of Health and Environmental |
| SCR | Selective Catalytic Reduction |
| SEQL | Sustainable Environment for Quality Life |
| SIP | State Implementation Plan |
| TEA-21 | Transportation Equity Act for the 21st Century |
| TSD | Technical Support Document |
| VADEQ | Virginia Department of Environmental Quality |
| VMT | Vehicle Miles Traveled |
| VOC | Volatile Organic Compound |

1.0 INTRODUCTION

This document, together with the notice of final rulemaking (NFR) “Designation and Classification of Areas for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS); Early Action Compact Areas with Deferred Effective Dates,” presents the responses to the nearly 400 comments received by the Environmental Protection Agency (EPA) on designations of the 8-hour ozone NAAQS.

2.0 BACKGROUND

The Clean Air Act (CAA) establishes a process for air quality management through the NAAQS. Area designations are required after promulgation of a new or revised NAAQS. In 1979, we promulgated the 0.12 ppm 1-hour ozone standard (44 FR 8202, February 8, 1979). On July 18, 1997, we promulgated an ozone standard of 0.08 ppm, measured over an 8-hour period, i.e., the 8-hour standard (62 FR 38856). In general, the 8-hour standard is more protective of public health and more stringent than the 1-hour standard, and there are more areas that do not meet the 8-hour standard than there are areas that do not meet the 1-hour standard. The CAA and the Transportation Equity Act for the 21st century (TEA-21) required EPA to designate all areas by July 2000.¹ The NAAQS rule was challenged and in May 1999, the U.S. Court of Appeals for the D.C. Circuit issued a decision remanding, but not vacating, the 8-hour ozone standard. The court noted that EPA is required to designate areas for any new or revised NAAQS in accordance with the CAA and addressed a number of other issues, which are not related to designations. [*American Trucking Assoc. v. EPA*, 175 F.3d 1027, 1047-48, on rehearing 195 F.3d 4 (D.C. Cir. 1999)]. EPA sought review of the two aspects of that decision in the U.S. Supreme Court. In February 2001, the Supreme Court upheld our authority to set the NAAQS and remanded the case back to the D.C. Circuit for disposition of issues the Court did not address in its initial decision. *Whitman v. American Trucking Assoc.*, 121 S.Ct. 903, 911-914, 916-919 (2001) (Whitman). The Supreme Court recognized that the Subpart 2 classification scheme did not fit entirely with the revised 8-hour NAAQS and left it to EPA to develop an implementation approach. In March 2002, the D.C. Circuit rejected all remaining challenges to the 8-hour ozone standard. *American Trucking Assoc. v. EPA*, 283 F.3d 355 (D.C. Cir. 2002) ATA III).

The process for designations following promulgation of a NAAQS is contained in §107(d)(1) of the CAA. For the 8-hour NAAQS, TEA-21 extended by one year the time for EPA to designate areas for the 8-hour NAAQS. Thus, EPA was required to designate areas for the 8-hour NAAQS by July 2000. However, HR3645 (EPA’s appropriation bill in 2000) restricted EPA’s authority to spend money to designate areas until June 2001 or the date of the Supreme Court ruling on the standard, whichever came first. In 2003, several environmental groups filed suit in district court claiming EPA had not met its statutory obligation to designate areas for the 8-hour NAAQS. EPA entered into a consent decree, which requires the Agency to issue the designations by April 15, 2004.

¹CAA §107(d)(1); TEA-21 §6103(a).

On November 14, 2002, EPA issued a memorandum outlining the schedule for designating areas under the 8-hour ozone standard. The EPA requested that States, as well as Tribes choosing to make a recommendation, provide air quality designation recommendations by July 15, 2003.

On December 4, 2003, EPA sent letters to States and Tribes commenting on the boundaries they had recommended for nonattainment and attainment areas and listing intended designations. In most cases, EPA accepted the State and tribal recommendations. In cases where the Agency disagreed with the States, it modified the recommendations and provided its reasons for doing so in the December letters. States and Tribes were given an opportunity to remark on EPA's modifications and to provide new information and analyses if necessary.

EPA received nearly 400 comments on the 8-hour ozone designations process. Most of the comments received addressed boundary issues for specific areas. The following document contains a summary of comments made by States and other interested parties on the intended designations. This document lists the comments and responses sorted by EPA Region, by State and by area. Comments addressing more general issues can be found in Section 3.10. Copies of incoming letters to EPA and this document containing comment summaries and responses can be found in the docket for the ozone rulemaking (OAR-2003-0083). The mailing address for the docket office is:

U.S.EPA
EPA West
1200 Pennsylvania Avenue, NW
Room B-108 Mail Code 6102T
Washington, D.C. 20460.

The email address is: Group A-AND-R-DOCKET@epa.gov.

In this document we have also responded to comments pertaining to Early Action Compact (EAC) areas as to whether specific counties that are participating in these Compacts should be included in an 8-hour ozone nonattainment area. The reader should be aware that additional responses to comments on other issues related to EACs are documented in the "Response to Comments Document on Early Action Compacts" (Docket No. 2003-0090). This docket can be found at the address noted above.

3.0 Response to Comments on 8-Hour Ozone Designations

The following sections address the comment letters received by EPA on the 8-hour ozone designations process. Summaries of the comments and EPA responses are sorted by EPA Region, by state, and by area. The comment numbers were assigned randomly to the comments.

3.1 Responses to Comments
EPA Region 1 (Connecticut, Maine, Massachusetts, New Hampshire,
Rhode Island and Vermont)

Comment 240:

Region: 1

State: CT

Area: Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE;New York-N. New Jersey-Long Island, NY-NJ-CT

Comment: A commenter states that if EPA does not accept New Jersey's technical justification for including Ocean City as part of the Southern New Jersey-Philadelphia nonattainment area, then Connecticut recommends that EPA designate Fairfield, New Haven, and Middlesex Counties as a separate nonattainment area from the remainder of the New York City C/MSA (C/MSA), albeit with the same classification as the New York City nonattainment area. This would provide better opportunity to reach attainment in a timely manner. EPA has set the precedent for such an action by allowing New Hampshire to separate its southern area from the Boston C/MSA. Southwest Connecticut would maintain the same requirements as the rest of the C/MSA, while recognizing that Connecticut has no impact or control over ambient levels measured downwind of Philadelphia in Ocean County.

EPA Response: Based on the CAA's presumption of designating the C/MSA for certain areas in 1990, EPA issued guidance providing that states should use the larger of the C/MSA or the 1-hour nonattainment area as the presumptive nonattainment area for the 8-hour standard. EPA also provided, however, 11 factors that states should consider in deciding whether to recommend an area larger or smaller than the presumptive area. EPA's decision to include Ocean County, New Jersey in the Philadelphia nonattainment area is based on technical facts pertaining to the area and information supplied by the State of New Jersey. To include Ocean County in the Philadelphia ozone nonattainment area is supported by a demonstration that the area is overwhelmingly impacted from the Philadelphia metro area. If the Philadelphia area were to achieve ozone attainment with Ocean County still remaining nonattainment, New York State could not reduce its emissions to bring about attainment in Ocean County. Technical information supporting our decision is provided in the Technical Support Document(TSD). Connecticut has not evaluated the 11 factors to support excluding the 3 counties in Connecticut from the New York-New Jersey-Long Island nonattainment area. Since Connecticut did not provide an adequate technical justification for designating these three counties separately, we are denying their request to designate the areas as a separate nonattainment area.

In the case of the New Hampshire request to be a separate nonattainment area, which is mentioned in the Connecticut comment, the primary issue is the fact that Massachusetts requested and we agreed that areas outside the C/MSA for Boston should be included in the Boston (Eastern Massachusetts) nonattainment area. One of those areas outside the Boston C/MSA is the Town of Truro, Massachusetts. Truro, Massachusetts has an ozone monitor that has a design value (DV) over the 8-hour NAAQS. New Hampshire provided an analysis in its submittal to EPA that New Hampshire does not contribute ozone in the Town of Truro. The EPA agrees with the New Hampshire analysis, and will let New Hampshire be a separate nonattainment area.

3.2 Responses to Comments
EPA Region 2 (New Jersey, New York, Puerto Rico, and Virgin Islands)

Comment 239:

Region: 2

State: NJ

Area: Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE;New York-N. New Jersey-Long Island, NY-NJ-CT

Comment: A commenter supports New Jersey's position on including Ocean City as part of the Southern New Jersey-Philadelphia 8-hr ozone nonattainment area. Ocean City is immediately downwind from Philadelphia on high ozone days and is therefore not significantly impacted by emissions from the remainder of the New York City C/MSA, including Connecticut. Locating Ocean City in the New York nonattainment area will directly impact Connecticut's air planning efforts and the ability to eventually achieve attainment in a timely manner.

EPA Response: The EPA is including Ocean county in the Philadelphia nonattainment area. A discussion of technical information is contained in the TSD.

Comment 24:

Region: 2

State: NJ

Area: New York-N. New Jersey-Long Island, NY-NJ-CT;Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter believes that Mercer County, New Jersey should remain in the Philadelphia nonattainment area unless a compelling case can be made to move it into the Northern New Jersey-New York nonattainment area.

EPA Response: We have reviewed the information submitted by New Jersey. EPA believes that Mercer county should be within the Philadelphia nonattainment area. The technical justification portion of the docket provides additional information regarding the area.

Comment 25:

Region: 2

State: NJ

Area: New York-N. New Jersey-Long Island, NY-NJ-CT;Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter supports inclusion of Ocean County, New Jersey in the Philadelphia nonattainment area. The recommendation is based on the revised budget for the Philadelphia SIP's motor vehicle emissions, the effects of transport, and the acknowledgment that significant travel between Philadelphia and Ocean County occurs during the ozone summer season. Additional monitoring stations are also recommended to determine Philadelphia's effect on Ocean County.

EPA Response: The EPA has reviewed technical information provided by several parties. Our

decision is to designate Ocean County as part of the Philadelphia nonattainment area. A discussion of technical information is included in the TSD.

Comment 297:

Region: 2

State: NJ

Area: New York-N. New Jersey-Long Island, NY-NJ-CT;Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter states that the major cause of Ocean County's high ozone levels is undeniably the emissions occurring within the nearby Philadelphia metropolis. The commenter believes that it is not possible for Ocean County to attain the 8-hour NAAQS unless Philadelphia is controlled to the same degree as Ocean County. Thus, Ocean County should be placed in a Southern New Jersey-Philadelphia nonattainment area. Scientific and legal documents were submitted to support their position. A synopsis is found below.

- 1) Ozone is a regional issue and ozone levels increase downwind of urban areas. These patterns were recognized by both the National Academy of Science and the Ozone Transport Assessment Group. Today these patterns are clearly visible in the regional 8-hour ozone DVs in the Northeast. It is inappropriate to ignore or subjugate these lessons learned when addressing the issue of designation in the twenty-first century.
- 2) The ozone monitor was placed in Ocean County because EPA thought, based on air quality modeling, that the maximum impact of the Philadelphia plume could be measured further east of the existing monitor at McGuire Air Force Base. The results of two years of concurrent modeling showed that the two monitors were measuring similar ozone levels indicating that they were being influenced by upwind sources.
- 3) Separating an exceeding area, Ocean County, from its contributing area, Philadelphia, is counter to the law and EPA's own guidance.
- 4) The use of the C/MSA as the presumptive boundary for a nonattainment area is guidance and not a legal requirement.
- 5) Only in one other instance was EPA's reasoning regarding the placement of a county in the 1-hour nonattainment area used. That is in the case of Rhode Island.
- 6) Applying the eleven factors to Ocean County, a logical conclusion cannot be reached that it belongs in a Northern New Jersey-New York 8-hour nonattainment area. An analysis of the eleven factors shows that all of the primary and most of the secondary factors would result in Ocean County being linked to Southern New Jersey-Philadelphia nonattainment area.

EPA Response: The pattern of transport northeastward up the Northeast Corridor has been put forward in the University of Maryland paper on transport patterns for ozone. The Ocean County

monitor was approved by EPA as the peak downwind monitor for the Philadelphia metro area. The C/MSA is the presumptive boundary unless the states provide a convincing 11 factor analysis that supports an adjustment to the nonattainment area boundaries, as provided by New Jersey. Therefore, EPA is designating Ocean County as part of the Philadelphia nonattainment area. A discussion of the technical information is included in the TSD.

Comment 1094:

Region: 2

State: NJ

Area: New York-N. New Jersey-Long Island, NY-NJ-CT;Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter supports EPA's proposed designations outlined in the 120-day letters retaining Ocean City, New Jersey, in the New York CMSA and gives the following reasons: Section 107 of the CAA does not support removing Ocean County, New Jersey from the NYC CMSA and adding it to the Philadelphia nonattainment area; redrawing nonattainment areas solely on a downwind contribution basis would usurp various provisions of the CAA and regulatory guidance that address the effects of ozone transport in the Northeast; and, modifying the current Philadelphia nonattainment Area to include Ocean County, NJ would disrupt all of the planning structures in place for the previous one-hour ozone standard. EPA's "Draft Guidance on the Use of Models and Other Analyses in Attainment Demonstrations for the Eight-hour Ozone NAAQS" technically demonstrates that modeling of an MSA is not adequate.

EPA Response: The CAA allows for modification of the boundaries of nonattainment areas from the default CMSA boundaries.

Planning areas can succeed even if they do not match the ozone designation boundaries as shown by New Jersey's past experience with planning area boundaries that did not match the one-hour ozone designation areas.

New Jersey's January 30, 2004 letter makes a strong 11-factor technical argument for including Ocean County within the Philadelphia nonattainment area. Supporting New Jersey's recommendation are meteorology, monitoring data, 3 years of trajectory analysis for all high ozone days. The Ocean County monitor was sited to be the peak downwind monitor for Philadelphia.

Comment 23:

Region: 2

State: NJ

Area: New York-N. New Jersey-Long Island, NY-NJ-CT;Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter opposes including Ocean County, NJ in the Philadelphia nonattainment area until New Jersey and New York demonstrate a need to change the presumptive CMSA

nonattainment area.

EPA Response: NJ and NY have provided information that justifies the inclusion of Ocean County in the Philadelphia nonattainment area. A discussion of the information is provided in the TSD.

Comment 19:

Region: 2

State: NY

Area:

Comment: Several commenters believe that EPA must base its final nonattainment designations on the most recent data and ensure that all areas violating the standard and contributing to violations based on 2001-2003 data are in fact declared nonattainment.

EPA Response: The EPA is using the most current data in the decision making process. EPA and the states continue to work to improve data collection and analysis.

Comment 17:

Region: 2

State: NY

Area: Albany-Schenectady-Troy, NY;Buffalo-Niagara Falls, NY;Essex Co (Whiteface Mtn), NY;Jamestown, NY;Jefferson Co, NY;New York-N. New Jersey-Long Island, NY-NJ-CT;Rochester, NY;Syracuse, NY

Comment: Several commenters believe that EPA should adopt the comprehensive, protective ozone nonattainment boundaries that it recommended for New York so as to protect the millions of individuals in New York breathing unhealthy pollution levels.

EPA Response: The EPA agrees with the commenters and will adopt the boundaries, including nonattainment for the Albany, Buffalo, Whiteface Mt., Jamestown, Jefferson Co, Rochester, and the New York City and Mid-Hudson areas.

Comment 27:

Region: 2

State: NY

Area: Albany-Schenectady-Troy, NY;Buffalo-Niagara Falls, NY;Essex Co (Whiteface Mtn), NY;Jamestown, NY;Jefferson Co, NY;New York-N. New Jersey-Long Island, NY-NJ-CT;Rochester, NY;Syracuse, NY

Comment: A commenter states that Administrator Holmstead has stated that control measures from the Clear Skies Initiative would more than address the reduction requirements associated with the designation. The commenter is concerned about Clear Skies legislation being held up.

EPA Response: We cannot base an air quality designation on projected air quality or on proposed legislation. EPA agrees that it is important to have programs that address emissions on a national and regional scale. These program would positively impact many areas across the country.

Comment 22:

Region: 2

State: NY

Area: Essex Co (Whiteface Mountain), NY

Comment: Numerous commenters believe that EPA must designate Whiteface Mountain in Essex County as nonattainment and reject the state of New York's recommendation to designate the area as "unclassifiable." EPA must also reject New York's claims that high ozone levels due to transport qualify the area as "unclassifiable," and reserve the "unclassifiable" category for those areas with unknown air quality status.

EPA Response: The air quality status at Whiteface Mountain is known and is violating the 8-hour ozone air quality standard. Therefore, we are designating the mountain as nonattainment. The fact that these violations are attributed to long range transport and not from local urban areas is not a factor in our determination whether an area is nonattainment.

Comment 18:

Region: 2

State: NY

Area: Jamestown, NY;Buffalo-Niagara Falls, NY;Rochester, NY;Syracuse, NY;Albany-Schenectady-Troy, NY;New York-N. New Jersey-Long Island, NY-NJ-CT;Jefferson Co, NY;Essex Co (Whiteface Mountain), NY

Comment: Some commenters believe that EPA should designate the following areas as nonattainment: Jamestown, Buffalo-Niagra Falls, Rochester, Syracuse, Albany-Schencectady, Troy Metropolitan Statistical Areas (MSAs), as well as the New York portion of the New York-Northern New Jersey-Long Island C/MSA, Jefferson County, and a portion of Essex County.

EPA Response: The EPA made decisions based on the CAA Act and guidance documents. Decisions about particular areas are contained in the technical support portion of the docket.

Comment 20:

Region: 2

State: NY

Area: New York-N. New Jersey-Long Island, NY-NJ-CT

Comment: Some commenters believe that EPA must reject the state's recommendation to bifurcate or split the New York-Northern New Jersey-Long Island C/MSA as it is contrary to

EPA's well-grounded C/MSA presumption. Orange, Dutchess, and Putnam Counties represent over 10% of the NO_x emissions and 95% of the VOC emissions for the entire metropolitan area.

EPA Response: The EPA evaluated New York's 11 factor analysis submitted to EPA for its proposed separation of the mid-Hudson area from the rest of the New York City C/MSA. Based on EPA's analysis, EPA is designating the Poughkeepsie (Mid-Hudson area) as a separate nonattainment area.

Comment 12:

Region: 2

State: NY

Area: New York-N. New Jersey-Long Island, NY-NJ-CT

Comment: A commenter disagrees with EPA's decision to merge the three county Mid-Hudson area with the NY-NJ-CT-PA nonattainment area. This is inconsistent with EPA's decision to follow existing 1-hr boundaries as stated in its rationale regarding the Colliers Mills, NJ monitor. The three counties in the Mid-Hudson area are not significant to air quality in many other portions of the NY-NJ-CT-PA nonattainment area.

EPA Response: The EPA released guidance on determining boundaries for 8-hour ozone nonattainment areas in March 2000. In that guidance, we look to directions in the CAA to designate the CMSA as nonattainment. Our March 2000 guidance contains a presumption that the larger of the 1-hour nonattainment area or the CMSA (based on the 1999 Bureau of Census definitions) form the boundary of a nonattainment area. Independent of whether or not we use the one-hour boundary as the basis for designating the Colliers Mills monitor, NY must meet an 11-factor test that will determine if Orange, Putnam and Dutchess Counties will be designated as a separate nonattainment area from the New York-No. New Jersey-Long Island nonattainment area. EPA has decided that the counties of Orange, Putnam and Dutchess can be included in a separate Poughkeepsie nonattainment area.

Comment 11:

Region: 2

State: NY

Area: New York-N. New Jersey-Long Island, NY-NJ-CT;Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter supports New Jersey's recommendation to exclude Ocean County, NJ from the NY-NJ-CT-PA nonattainment area, and strongly disputes the inclusion of the Colliers Mills, Ocean City, NJ monitor in the shared nonattainment area. EPA fails to place the responsibility for reduction of the emissions on the MD-NJ-PA nonattainment area that is clearly responsible for generating the emissions affecting the Collier's Mills, Ocean City, NJ monitor. The commenter feels, ultimately, that litigation may be necessary, which would result in the delay of additional controls in New York.

EPA Response: The EPA's decision is based on technical facts pertaining to the area and information supplied by the State of New Jersey. To include Ocean County in the Philadelphia ozone nonattainment area is supported by a demonstration that the area is overwhelmingly impacting from the Philadelphia metro area and the remainder of the states that are in the Philadelphia metro area. If the Philadelphia area were to achieve ozone attainment with Ocean County still remaining nonattainment, there is nothing New York State could do by reducing emissions to bring about attainment in Ocean County. Technical information supporting our decision is provided in the TSD.

Comment 26:

Region: 2

State: NY

Area: New York-N. New Jersey-Long Island, NY-NJ-CT;Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter is concerned about using the Ocean County monitoring data as the design monitor for New York as it places the State of New York in a position where it will be very difficult to meet its requirements under the CAA. Reductions in the New York Metropolitan area will have an impact on the Ocean County monitor as it is heavily impacted from the southern New Jersey-Philadelphia area.

EPA Response: The EPA has reviewed technical information from several sources. EPA has decided to include Ocean county within the Philadelphia nonattainment area. A discussion of the technical information is included in the TSD.

Comment 15:

Region: 2

State: NY

Area: Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE;New York-N. New Jersey-Long Island, NY-NJ-CT

Comment: A commenter supports the New York State Department of Environmental Conservation's (DEC) arguments to exclude Ocean County, New Jersey air monitoring data when assessing the New York area's attainment status. Additional expenditures will have no practical impact on air quality at the Ocean County monitoring site and are unnecessary to meet the downstate area's legitimate ozone attainment problems. The New York DEC has shown that emissions from the New York metro area do not impact the "upwind" Ocean City monitor, and emission sources within Ocean City, New Jersey have no material impact on ozone levels in the New York metro area. The commenter states that including the Ocean City site in the Philadelphia C/MSA, rather than the New York C/MSA, is consistent with EPA nonattainment boundary modification guidance. Finally, the commenter writes that there is little connection between Ocean County, New Jersey and the New York metro area based on air emissions and ozone levels.

EPA Response: The EPA agrees with the commenter to exclude Ocean County data when considering the status of the New York-No. New Jersey-Long Island nonattainment area. EPA reviewed information submitted by New Jersey and agrees that the lack of influence of the New York City metro area on Ocean County is demonstrated by the trajectory analyses submitted by New Jersey and confirmed by modeling that EPA did for the Interstate Air Quality Rule (IAQR).

Comment 14:

Region: 2

State: NY

Area: Rochester, NY

Comment: A commenter disagrees with the entire Rochester area designated as a nonattainment area. EPA should consider limiting designation to counties with significant contribution to the urban airshed, rather than imposing a nonattainment designation on rural counties such as Orleans and Genesee, that have no significant source.

EPA Response: Based on the CAA and EPA guidance, the presumptive nonattainment area is all of the counties in the 1999 MSA. The State did not provide a technical analysis demonstrating that these counties are not contributing to the violations. Also, Orleans and Genesee Counties are between counties that contain violating monitors.

Comment 21:

Region: 2

State: NY

Area: Rochester, NY

Comment: Some commenters believe that the Rochester area has monitored violations and EPA should designate this area as nonattainment, as well as, all counties contributing to violations in the Rochester MSA.

EPA Response: The Rochester area has two monitors in violation of the 8-hour ozone standard and contributes on about half of the violation days in Jefferson County, so the Rochester MSA will be designated as nonattainment.

Comment 13:

Region: 2

State: NY

Area: Syracuse, NY

Comment: A commenter disagrees with the proposed modification for Syracuse and recommends a designation of unclassifiable for the next two years. The Syracuse area has never before violated the standard, and the unusual fourth highest value in 2002 caused the DVss to reach the lowest possible nonattainment value. Additionally, New York State has developed and instituted several control measures to be implemented statewide.

EPA Response: The EPA is designating the Syracuse, New York area counties Onondaga, Oswego, Madison and Cayuga as unclassifiable.

On July 15, 2003, the state of New York recommended the Syracuse area as attainment due to the area having 2000-2002 monitored values below the standard. On December 3, 2003, the EPA stated that air quality from 2003 had produced a violation of the ozone standard and recommended including the counties in the Syracuse MSA (Onondaga, Oswego, Madison and Cayuga Counties) as the Syracuse nonattainment area. EPA further stated that it was important for New York to submit 2003 data to accurately reflect the air quality in the area because it was critical to the designations and classification process. New York has provided this monitoring data to EPA.

In reviewing the air quality data from areas across the country supporting designations, EPA found several areas with levels just exceeding the standard. Twenty-two counties had monitors with DVss of 85 ppb given 2001 – 2003 monitoring data. The EPA is aware that air quality in some areas varies from year to year and as a result looked into these counties in more detail. In reviewing these counties, three had not exceeded the level of the standard for at least 5 consecutive years. For these three counties, 2 are associated with other counties within the C/MSA with air quality exceeding the level of the standard. Douglas County, Colorado, is located in the Denver Colorado MSA which also includes Jefferson County. Jefferson County has two monitors that exceeded the level of the standard. Ingram County, Michigan, is located within the Lansing-East Lansing MSA which includes Clinton County. Clinton County has a monitor that exceeded the level of the standard. The remaining county is Onondaga County, New York, which is located within the Syracuse MSA. The Syracuse MSA includes a monitor in Madison County which is attaining the standard.

There are two monitors within this C/MSA that were used to evaluate the monitored air quality in this C/MSA. There is one in Madison county that monitored 82 ppb which is below the standard and one in Onondaga county that monitored 85 ppb. Because one is at the standard and the other monitor is below the standard, EPA wanted to closely review the data to make the correct technical decision. The monitors are properly sited and no quality assurance issues have been identified. This area has never violated the 1-hour ozone standard.

Given the unique circumstances for the Syracuse area, EPA has determined that the area should be designated as unclassifiable. EPA will work with New York to evaluate the upcoming 2004 ozone season monitoring data. The decision to designate the area as unclassifiable will allow EPA to evaluate the data more fully, along with additional data from 2004, to determine whether and how the designation should be revised. EPA will determine whether to revise the area's designation after reviewing the 2004 data.

Comment 1010:
Region: 2

State: NY
Area: Syracuse, NY

Comment: Several commenters note that the Syracuse MSA is violating the 8-hour ozone standard and should be designated nonattainment.

EPA Response: The EPA is designating the Syracuse, NY area counties Onondaga, Oswego, Madison and Cayuga as unclassifiable.

On July 15, 2003, the state of New York recommended the Syracuse area as attainment due to the area having 2000-2002 monitored values below the standard. On December 3, 2003 the EPA stated that air quality from 2003 has produced a violation of the ozone standard and recommended including the counties in the Syracuse MSA (Onondaga, Oswego, Madison and Cayuga Counties) as the Syracuse nonattainment area. EPA further stated that it was important for New York to submit 2003 data to accurately reflect the air quality in the area because it was critical to the designations and classification process. New York has provided this monitoring data to EPA.

In reviewing the air quality data from areas across the country supporting designations, EPA found several areas with levels just exceeding the standard. Twenty-two counties had monitors with DVss of 85 ppb given 2001 – 2003 monitoring data. The EPA is aware that air quality in some areas varies from year to year and as a result looked into these counties in more detail. In reviewing these counties, three had not exceeded the level of the standard for at least 5 consecutive years. For these three counties, 2 are associated with other counties within the CMSA with air quality exceeding the level of the standard. Douglas County, Colorado, is located in the Denver Colorado MSA which also includes Jefferson County which has two monitors that exceeded the level of the standard. Ingram County, Michigan, is located within the Lansing-East Lansing MSA which includes Clinton County which has a monitor that exceeded the level of the standard. The remaining county is Onondaga County, New York, which is located within the Syracuse MSA which includes a monitor in Madison County which is attaining the standard.

There are two monitors within this CMSA that were used to evaluate the monitored air quality in this CMSA. There is one in Madison county that monitored 82 ppb which is below the standard and one in Onondaga county that monitored 85 ppb. Because one is at the standard and the other monitor is below the standard, EPA wanted to closely review the data to make the correct technical decision. The monitors are properly sited and no quality assurance issues have been identified. This area has never violated the 1-hour ozone standard.

Given the unique circumstances for the Syracuse area, EPA has determined that the area should be designated as unclassifiable. EPA will work with New York to evaluate the upcoming 2004 ozone season monitoring data. The decision to designate the area as unclassifiable will allow EPA to evaluate the data more fully, along with additional data from 2004, to determine whether and how the designation should be revised. EPA will determine whether to revise the area's designation after reviewing the 2004 data.

3.3 Responses to Comments
EPA Region 3 (Delaware, District of Columbia, Maryland, Pennsylvania,
Virginia, and West Virginia)

Comment 1018:**Region: 3****State: DE****Area:**

Comment: A commenter feels it is inappropriate to designate counties without ozone monitors as "attainment/unclassifiable." Aside from public health issues in these designated "attainment/unclassifiable" counties, the commenter's concern is that these counties contribute, sometimes significantly, to the 8-hour ozone nonattainment problems in downwind states. If these counties are allowed to continue their contribution without controls, downwind states, including Delaware, are very likely to fail to attain the 8-hour ozone NAAQS in a timely and cost-effective manner.

EPA Response: The CAA requires EPA to designate as nonattainment any area that is monitoring a violation of the standard or that is contributing to a violation of the standard in a nearby area. Thus, our designations include both areas monitoring violations of the 8-hour standard and those nearby areas that are contributing to violations at those monitors. The issue of regional transport primarily concerns longer-range transport -- i.e., transport from areas that are not "near-by." EPA agrees this is an important issue and in 1997 issued the NOx SIP Call to address long-range transport of ozone and NOx in the eastern portion of the United States. More recently, EPA has proposed the IAQR that, if finalized, would require further control of transported emissions.

Comment 1014:**Region: 3****State: DE****Area: Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE**

Comment: A commenter does not agree with EPA's modification of Delaware's recommendation to include New Castle, Kent, and Sussex Counties as part of the Philadelphia C/MSA nonattainment area. Delaware recommended in their designation letter that EPA designate regional nonattainment areas much broader in size than the C/MSA boundaries. It is necessary to designate a much broader, contiguous, interstate nonattainment area that includes all relevant upwind states (or at least their emission-generating counties). Specifically, Delaware strongly recommends that the area described in the recent IAQR be used to set 8-hour nonattainment boundaries. This means that Delaware's three counties should be included within a broad interstate nonattainment area that includes: a) All counties in states that impact Delaware (i.e., Maryland, Michigan, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia), and all counties in the states that Delaware impacts (i.e., New Jersey, New York, and Pennsylvania), or b) If the EPA determines that it cannot include counties monitoring attainment in this broad nonattainment area, all counties monitoring nonattainment or are modeled to be nonattainment in the above mentioned states.

EPA Response: The EPA believes that it is possible to address long range ozone transport while

also accommodating the practical constraints to ozone air quality planning. The NOx SIP Call and the forthcoming IAQR will address long range transport through broader regional controls. The inclusion of all three DE counties in the Philadelphia 8-hour ozone nonattainment area allows DE the ability to address the local sources of ozone pollution.

Comment 184:

Region: 3

State: DC; MD; VA; WV

Area: Washington, DC-MD-VA; Baltimore, MD; Berkeley and Jefferson Counties, WV; Washington Co (Hagerstown), MD

Comment: A commenter addresses the EPA's proposed designation of the Baltimore-Washington area as six smaller nonattainment areas. 1) According to EPA guidelines and the CAA, the designation should encompass the entire C/MSA. 2) Breaking the area into six smaller nonattainment areas within the C/MSA would conflict with EPA guidelines and undermine regional planning. Meteorological data indicates this area shares the same air mass under stagnant conditions. Thus, the C/MSA should comprise a single ozone nonattainment area. 3) The states and/or EPA can address concerns about the manageability of planning by subdividing the C/MSA into appropriate planning areas, each responsible for its own SIP. However, each must coordinate with other planning areas to assure timely attainment throughout the nonattainment area.

EPA Response: Although EPA's guidance indicates that the 8-hour ozone nonattainment area presumption is the C/MSA, in the case of Baltimore-Washington, EPA believes that it is possible to have separate nonattainment areas while still obtaining the necessary air quality planning and control measures needed for the entire area to attain the 8-hour ozone standard. As air quality planning proceeds, EPA will monitor the coordination and progress in these areas.

Comment 1017:

Region: 3

State: MD

Area:

Comment: A commenter is very concerned that EPA chose not to address the concerns raised by Governor Ehrlich's July 15, 2003 letter about the critical need to address how upwind areas will be held accountable as part of the designations process. From Maryland's perspective these two issues (designation and upwind accountability) are inseparable. It is not possible to make sound decisions on how areas should be designated without understanding how one area's contribution to the next downwind area will be addressed.

EPA Response: The EPA believes that it is possible to address long range ozone transport while also accommodating the practical constraints to ozone air quality planning. The existing NOx SIP Call and the forthcoming IAQR will address long range transport. The phenomenon of ozone transport must be balanced against the need to have smaller areas that can focus on local control

measures. EPA believes that its final designation decision represents this balance in light of the other statutory mechanisms to address interstate transport.

Comment 1077:

Region: 3

State: MD

Area: Baltimore, MD

Comment: A commenter encloses a copy of a letter sent to him from the County Commissioners of Kent County noting the following:

The EPA should reconsider the inclusion of Kent and Queen Anne's Counties in an EAC because recent data taken from the Millington monitoring station shows the county is attaining the standard.

EPA Response: The EPA disagrees with the commenter. Please refer to the February 24, 2004 EPA Region 3 letter from Donald S. Welsh, Regional Administrator to Senator Paul S. Sarbanes.

Comment 1015:

Region: 3

State: MD

Area: Baltimore, MD

Comment: A commenter does not believe that the EPA designation of nonattainment for Kent and Queen Anne's Counties would serve either of these counties or the resources of the State of Maryland in the most prudent manner. The Maryland Department of the Environment (MDE) requested that these two counties be considered as EAC Counties pending relatively clean ozone data from the Millington, MD ozone monitor for the 2003 ozone season. The MDE is again formally requesting that the EAC request that Maryland originally submitted in December of 2002 be reviewed and considered. These two counties are currently in attainment of the 1-hour ozone standard. One of the reasons that EPA deferred approving the EAC in these counties revolved around the attainment status under the 1-hour ozone standard. The MDE has worked closely with EPA Region III staff to have several days of violation removed from the DV calculations based on the overwhelming influence of smoke from the Quebec Forest Fire event (July 2002). The lower DVss should have a significant bearing not only on these two counties' designations but their consideration as EAC counties. MDE believes that the "bright line" drawn in EPA's December 4, 2003 letter relating to the December 31, 2002 1-hour ozone attainment classification for Kent and Queen Anne's Counties is simply a policy decision that is not supported by law. MDE believes that the key date for clean air data should be the April 15, 2004 designation date. Kent and Queen Anne's Counties will be designated as attainment under the 1-hour standard by April 15, 2004.

EPA Response: EPA disagrees with the commenter. EPA has promulgated an ambient air quality standard for ozone, the 8-hour standard. Section 107(d)(1) of the CAA establishes a process for

designating areas as nonattainment, attainment or unclassifiable for the revised standard and provides each State Governor an opportunity to recommend designations, including boundaries, to EPA. The Act requires that areas that are violating the standard and those areas that contribute to a nearby violation be designated nonattainment. EPA's EAC guidance provides that EPA will defer the effective date of a nonattainment designation for EAC areas for so long as those areas are meeting the milestones specified in their Compact.

The air quality monitor located in Millington, Kent County, Maryland, has measured violations of the 8-hour standard since 1997. Governor Robert Ehrlich submitted his designation recommendations to EPA on July 15, 2003, which included the designation of Kent and Queen Anne's Counties as an EAC area. On December 4, 2003, the EPA sent a letter to Governor Robert Ehrlich providing a written summary of our modification of Maryland's recommended 8-hour ozone designations and boundaries. That letter included a notification that the Kent and Queen Anne's Area did not meet the requirements for EAC areas and therefore, EPA intended to designate these areas as nonattainment for the 8-hour ozone standard without a deferred effective date.

On December 23, 2002, EPA sent a letter to the Maryland Department of the Environment (MDE) regarding the prospects of developing an EAC, in partnership with EPA and Kent County and Queen Anne's County, Maryland for the 8-hour ozone National Ambient Air Quality Standard (NAAQS). In that letter, we noted that EPA would not enter into EAC agreements for Kent and Queen Anne's Counties because these areas did not meet the necessary criteria, as described in EPA guidance document, issued November 14, 2002, entitled "Schedule for 8-Hour Ozone Designations and its Effect on Early Action Compacts." These criteria specified that in order to be eligible to qualify for an EPA sanctioned EAC, an area must be designated attainment and have no monitored violations of the 1-hour ozone NAAQS. In the letter, we also noted that we would be willing to revisit the possibility of developing EACs for Kent and Queen Anne's Counties. The Region has engaged in considerable internal deliberations with our Office of Air Quality Planning and Standards and the Office of General Counsel. Our consultations confirmed that the aforementioned guidance limited the availability of the EAC process to areas that met the criteria set forth in the guidance on or before December 31, 2002. This date was the deadline for all EACs agreements to be completed, signed by all parties and submitted to EPA. The criteria for qualifying for an EAC were negotiated with several key environmental organizations. Allowing for exceptions to this guidance would jeopardize the integrity of the EAC program and would potentially lead to legal challenge. Therefore, Kent and Queen Anne's Counties are not eligible for a deferred effective date of the nonattainment designation for the 8-hour ozone standard.

Comment 1016:

Region: 3

State: MD

Area: Baltimore, MD

Comment: A commenter feels that it is critical for the designation process to be regionally

consistent, fair, and equitable. The requirement for rural areas seems to be much stricter than those of urban areas. The commenter (the Maryland Department of Environment (MDE)) has serious concerns about this issue. Maryland has long held the concern that upwind states need to be held accountable for pollution transport that significantly impacts downwind areas. The majority of MDE's recent formal correspondence with EPA has well documented not only MDE's concerns over pollution transport, but also the legal basis for these concerns. Maryland is being required to adopt a Memorandum of Agreement as a SIP revision in order to formally separate Kent and Queen Anne's Counties and the Baltimore planning areas, a requirement Maryland feels is administratively troublesome unless the requirement is held region-wise. The MOA policy should be applied consistently to other regions. In its continued call for consistency, MDE notes that situations in South Carolina and Colorado seem to be being handled very differently by those regional offices.

EPA Response: Kent and Queen Anne's counties were a 1 hour nonattainment area. The EPA will keep this area as a nonattainment area for the 8 hour standard. The area will not be required to develop a MOA. EPA has reviewed the 11 factors and determined that this area should be separate from the Washington-Baltimore nonattainment areas.

Comment 59:

Region: 3

State: MD

Area: Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter supports the continued inclusion of Cecil County, Maryland as part of the Philadelphia nonattainment area.

EPA Response: The EPA agrees with the commenter. EPA guidance indicates that states should use the larger of the C/MSA, MSA, or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. Cecil County, Maryland is part of the Philadelphia 1-hour ozone nonattainment area as well as the Philadelphia C/MSA. Therefore, Cecil County being designated as part of the Philadelphia 8-hour nonattainment area.

Comment 1041:

Region: 3

State: MD

Area: Washington Co (Hagerstown), MD

Comment: A commenter feels that under the existing EPA recommendation, both Kent and Queen Anne's Counties would be designated nonattainment with respect to the 8-hour ozone standard. The commenter does not believe this designation serves either county or the resources of the State of Maryland. The commenter's recommendation letter (originally submitted July 2003) request that these two counties be considered as EAC counties pending relatively clean ozone data from the Millington, MD ozone monitor for the 2003 ozone season. The commenter is again formally requesting that the EAC request that was originally submitted in December of

2002 be reviewed and considered. Since the original EAC request in 2002, the commenter has introduced updated information and analysis that should be considered by EPA under the 8-hour ozone designation process, including:

- 1) A December 23, 2002 redesignation request for both Kent and Queen Anne's counties that show that these two counties are currently in attainment of the 1-hour ozone standard. The commenter plans to hold public hearings on this redesignation request later this month and submit a final revision to the SIP shortly thereafter. One of the reasons that EPA deferred approving the EAC in these counties revolved around the attainment status under the 1-hour ozone standard. (See Attachment A to the comment letter for EPA's EAC letter to the commenter.)
- 2) Updated information showing lower DVss for the Millington ozone area is another key piece of information. The commenter has worked with EPA Region III staff to have several days of violation removed from the DV calculation based on the overwhelming influence of smoke from the July 2002 Quebec Forest Fire event. The lower DVss should have a significant bearing not only on these two counties designations but their consideration as EAC counties. (See Attachment B to the comment letter for a summary of DV changes.)
- 3) New legal analysis by the commenter is a third piece of new work. The commenter believes that the "bright line" drawn in EPA's December 4, 2003 letter related to the December 31, 2002 1-hour ozone attainment classification for Kent and Queen Anne's counties is a policy decision that is not supported by law. The commenter states that the key date for clean air data should be the April 15, 2004 designation date. Kent and Queen Anne's counties will be redesignated as attainment under the 1-hour ozone standard by April 15, 2004.
- 4) The commenter expressed concern that EAC policy is not implemented consistently across EPA regions. The commenter believes that situations in South Carolina and Colorado are being handled very different by those EPA regional offices.

EPA Response: The EPA disagrees with the commenter. EPA has promulgated a revised ambient air quality standard for ozone, the 8-hour standard. Section 107(d)(1) of the CAA establishes a process for designating areas as nonattainment, attainment or unclassifiable for the revised standard and provides each State Governor an opportunity to recommend designations, including boundaries, to EPA. The Act requires that areas that are violating the standard and those areas that contribute to a nearby violation be designated nonattainment. The EPA's EAC guidance provides that EPA will defer the effective date of a nonattainment designation for EAC areas for so long as those areas are meeting the milestones specified in their Compact.

The air quality monitor located in Millington, Kent County, Maryland, has measured violations of the 8-hour standard since 1997. Governor Robert Ehrlich submitted his designation recommendations to EPA on July 15, 2003, which included the designation of Kent and Queen Anne's Counties as an EAC area. On December 4, 2003, the EPA sent a letter to Governor Robert Ehrlich providing a written summary of our modification of Maryland's recommended 8-hour ozone designations and boundaries. That letter included a notification that the Kent and

Queen Anne's Area did not meet the requirements for EAC areas and, therefore, EPA intended to designate these areas as nonattainment for the 8-hour ozone standard without a deferred effective date.

On December 23, 2002, EPA sent a letter to the Maryland Department of the Environment (MDE) regarding the prospects of developing an EAC, in partnership with EPA and Kent County and Queen Anne's County, Maryland for the 8-hour ozone NAAQS. In that letter, we noted that EPA would not enter into EAC agreements for Kent and Queen Anne's Counties because these areas did not meet the necessary criteria, as described in EPA guidance document, issued November 14, 2002, entitled "Schedule for 8-Hour Ozone Designations and its Effect on Early Action Compacts." These criteria specified that in order to be eligible to qualify for an EPA sanctioned EAC, an area must be designated attainment and have no monitored violations of the 1- hour ozone NAAQS. In the letter, we also noted that we would be willing to revisit the possibility of developing EACs for Kent and Queen Anne's Counties. The Region has engaged in considerable internal deliberations with our Office of Air Quality Planning and Standards (OAQPS) and the Office of General Counsel. Our consultations confirmed that the aforementioned guidance limited the availability of the EAC process to areas that met the criteria set forth in the guidance on or before December 31, 2002. This date was the deadline for all EACs agreements to be completed, signed by all parties and submitted to EPA. The criteria for qualifying for an EAC were negotiated with several key environmental organizations. Allowing for exceptions to this guidance would jeopardize the integrity of the EAC program and would potentially lead to legal challenge. Therefore, Kent and Queen Anne's Counties are not eligible for a deferred effective date of the nonattainment designation for the 8-hour ozone standard.

The EPA does not consider the situations in South Carolina and Colorado similar to the one in Maryland. These states have EACs that met the criteria set forth in the guidance on or before December 31, 2002. The Kent and Queen Anne's Area did not meet the criteria set forth in the guidance on or before December 31, 2002. Therefore, Kent and Queen Anne's Counties are not eligible for a deferred effective date of the nonattainment designation for the 8-hour ozone standard.

Comment 298:

Region: 3

State: MD

**Area: Washington, DC-MD-VA;Philadelphia-Wilmin-Atlantic Ci,
PA-NJ-MD-DE;Baltimore, MD**

Comment: A commenter believes that attainment in Cecil County Maryland will depend largely on efforts to reduce emissions in the Baltimore-Washington - Northern Virginia area. Cecil County does not contribute significantly to the elevated ozone levels in the Southern New Jersey-Philadelphia nonattainment area. Thus, Cecil County should not be placed in the Southern New Jersey-Philadelphia nonattainment area.

EPA Response: The EPA disagrees with the commenter. Cecil County, Maryland is part of the

Philadelphia 1-hour ozone nonattainment area as well as the Philadelphia C/MSA. Therefore, Cecil County being designated as part of the Philadelphia 8-hour nonattainment area.

Comment 275:

Region: 3

State: PA

Area: New York-N. New Jersey-Long Island, NY-NJ-CT;Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter wants EPA to keep Ocean County part of the New York City Metropolitan Area. If EPA reconsiders, Pennsylvania wants to meet with EPA to discuss the issues surrounding the Philadelphia Area's boundaries.

EPA Response: Much discussion has occurred among the 4 states that have counties that comprise the Philadelphia metropolitan area with regard this issue. The final decision regarding Ocean county is provided as a part of the technical justification for the area.

Comment 58:

Region: 3

State: PA

Area: Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE;York, PA;Lancaster, PA;Reading, PA;Allentown-Bethlehem-Easton, PA

Comment: A commenter believes that a demonstration is necessary before including York, Lancaster, Lehigh, and Berks Counties with the Philadelphia nonattainment area.

EPA Response: The EPA guidance indicates that states should use the larger of the C/MSA, MSA, or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The Reading 8-hour ozone nonattainment area is a single county nonattainment area consisting of Berks County. This county represents the entire 1999 Reading MSA. This county represents the entire 1999 Reading MSA. The Lancaster 8-hour ozone nonattainment area consists of Lancaster County, PA. The 1999 Lancaster MSA is a single county MSA. Following the EPA nonattainment boundary guidance, Berks County and Lancaster County are being designated as stand alone 8-hour nonattainment areas. The Adams-York, PA 8-hour ozone nonattainment area consists of Adams County, PA and York County, PA. York County, PA was a single county MSA in 1999. Adams County is being added to York to make up this nonattainment area. The Allentown-Bethlehem, PA 8-hour ozone nonattainment area consists of Carbon, County, PA, Lehigh County, PA and Northampton County, PA. These three counties make up the entire 1999 Allentown-Bethlehem MSA. Following the EPA nonattainment boundary guidance, York County and Lehigh County are being designated as part of the Adams-York Area and the Allentown-Bethlehem Area respectively.

Comment 57:

Region: 3

State: PA

Area: Reading, PA; Lancaster, PA; Allentown-Bethlehem-Easton, PA

Comment: A commenter did not agree with the Pennsylvania Department of Environmental Protection's recommendation to allow Berks and Lancaster Counties to stand alone. Growth in suburban York County was cited as a reason to group Lancaster and York. Similarly, growth in Berks County was cited as a reason to include it in the Allentown-Bethlehem nonattainment area.

EPA Response: The EPA disagrees with the commenter. EPA guidance indicates that states should use the larger of the Consolidated MSA, MSA, or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The Reading 8-hour ozone nonattainment area is a single county nonattainment area consisting of Berks County. This county represents the entire 1999 Reading MSA. The Lancaster 8-hour ozone nonattainment area consists of Lancaster County, Pennsylvania. The 1999 Lancaster MSA is a single county MSA. Following the EPA nonattainment boundary guidance, Berks County and Lancaster County are being designated as stand alone 8-hour nonattainment areas.

Comment 278:

Region: 3

State: PA

Area: Scranton-Wilkes-Barre, PA

Comment: A commenter believes that EPA should not include Monroe County in the Scranton, Wilkes-Barre Nonattainment area as it was not included as part of the MSA in the 1999 or 2003 Office of Management and Budget groupings.

EPA Response: The EPA disagrees with the commenter. The EPA is adding Monroe County to be part of the Scranton-Wilkes-Barre nonattainment area. The Scranton-Wilkes Barre 8-hour ozone nonattainment area consists of the following counties: Lackawanna, Luzerne, Wyoming, and Monroe. The technical justification is included in the docket.

Comment 277:

Region: 3

State: PA

Area: Tioga Co, PA; Altoona, PA

Comment: A commenter concurs with EPA that recent air quality data show that Blair and Tioga Counties are violating the standard.

EPA Response: The EPA agrees with the commenter. Tioga and Blair Counties are violating the 8-hour standard based on the 2003 air quality data.

Comment 276:

Region: 3

State: PA

Area: Tioga Co, PA;Greene Co, PA;Clearfield Co, PA;Franklin Co, PA

Comment: A commenter is concerned about rural counties that are only in nonattainment due to transport (Tioga, Greene, Clearfield and Franklin Counties). Despite the fact that they are adjacent to MSAs, these areas cannot reasonably be expected to find reductions to provide for attainment.

EPA Response: Even though Tioga, Greene, Clearfield, and Franklin Counties are not part of a MSA, these counties are being designated as nonattainment areas because they have violating monitors. The CAA requires EPA to designate as nonattainment any area that is violating the standard and any area that is contributing to a violation in a nearby area. The designated nonattainment area will need to determine what local controls are appropriate for bringing the area into attainment in conjunction with national and regional control requirements promulgated by EPA.

Comment 279:

Region: 3

State: PA

Area: Williamsport, PA;Pittsburgh-Beaver Valley, PA

Comment: A commenter believes that EPA should designate Lycoming and Indiana Counties as unclassifiable/ attainment because Indiana county does not have an ozone monitor, and the monitor for Lycoming County has been relocated.

EPA Response: The EPA partially agrees and partially disagrees with the commenter. EPA is designating Lycoming County, Pennsylvania attainment because it is a county that has an ozone monitor with only 2 years of monitoring data, 2002 and 2003.

The EPA is designating Indiana County as nonattainment and making it part of the Clearfield - Indiana, PA 8-hour ozone nonattainment area. Indiana County, PA is not part of any 1999 C/MSA and it is a county without an ozone monitor. Clearfield County is also not part of any 1999 C/MSA, but has a violating ozone monitor. Its proximity between two metropolitan areas with ozone violations (Pittsburgh and Clearfield and Cambria) together with its emissions, make Indiana a contributor to downwind ozone air quality. Therefore, Indiana is being added to Clearfield County to make up the Clearfield-Indiana, PA 8-hour ozone nonattainment area.

Comment 1009:

Region: 3

State: VA

Area: Baltimore, MD;Washington Co (Hagerstown), MD;Berkeley and Jefferson Counties, WV;Washington, DC-MD-VA

Comment: A commenter opposes the exclusion of King George, Culpeper, Warren and Clarke

Counties in Virginia from inclusion in any nonattainment area even though they are all in the Washington-Baltimore C/MSA. The fact that they are rural in nature and have fewer commuters does not justify their exclusion. Except for Clarke, all of these counties have experienced 20% population growth in the past 10 years.

EPA Response: The EPA disagrees with the commenter. While the commenter cites to two factors (commuting and growth) in the 11 factor analysis to support inclusion of these counties in the designated nonattainment area, EPA examined all 11 factors to determine whether these areas should be excluded. King George, Culpepper, Warren, and Clarke Counties do not have air quality monitors and they are more rural and contain fewer nonattainment characteristics than the other Washington D.C. area counties. While the commenter cites the population growth rate to support inclusion, EPA also looked at what that growth rate means in terms of actual increases in population. The growth for King George, Culpepper, Warren, and Clarke Counties used in our analysis are 424 people/year, 486 people/year, 593 people/year, and 135 people/year, respectively. Because these counties have low populations, a growth rate of 20% does not mean a significant increase in population in relation to the portions of the C/MSA included in the designated nonattainment areas. Additionally, these four counties contain either little or no VOC and NOx emissions and emission densities are less than 0.05%. Furthermore, Warren and Clarke counties are separated from the rest of the Washington metropolitan area by the easternmost portion of the Appalachian Mountains.

Comment 198:

Region: 3

State: VA

Area: Frederick Co, VA

Comment: A commenter recommends that the Frederick County/Winchester nonattainment area consist of Frederick County and the City of Winchester. In addition, this is an EAC area and Virginia requests that EPA continue to defer the effective date of the nonattainment designation as long as the area meets its obligations under the EAC.

EPA Response: The EPA is deferring the effective date of the 8-hour ozone nonattainment designation for the jurisdictions that make up the Frederick Area EAC. These jurisdictions are: Frederick, VA and the City of Winchester. This area has an EAC agreement with EPA and has submitted its Early Action Plan, which was due March 31, 2004. Based on a review and evaluation of this plan, EPA has determined that this area has met all compact milestones to date; therefore, this area is eligible for the deferred effective date of designation.

Comment 199:

Region: 3

State: VA

Area: Madison & Page Cos (Shenandoah NP), VA

Comment: A commenter recommends the Shenandoah National Park nonattainment area consist

of the portion of the Shenandoah National Park within Madison and Page Counties. The Commonwealth believes this is appropriate due to the overwhelming transport that exists at this high elevation monitor.

EPA Response: The CAA requires EPA to designate areas as nonattainment if they are exhibiting poor air quality or contributing to nearby poor air quality. EPA is granting Virginia Department of Environmental Quality's (VADEQ's) request for partial county nonattainment because the violating ozone monitor in Madison County is at high terrain and measuring ozone pollution transported into the Shenandoah National Park. As such EPA believes that only the portions of Page and Madison Counties that comprise the Shenandoah National Park exhibit poor air quality. Therefore, EPA believes that the nonattainment designation of partial counties in this particular case is justified because the ozone violations are most likely due to transport.

The Shenandoah National Park is a Class I Area and consists of portions of 8 counties, Albemarle, Augusta, Greene, Rockingham, Page, Warren, Rappahannock, and Madison. Only Page and Madison Counties have ozone monitors. The 2003 ozone DV for Page County is meeting the standard.

The Shenandoah, VA 8-hour ozone nonattainment area consists of the portions of Madison County, VA and Page County, VA that are within the boundaries of the Shenandoah National Park. The CAA requires EPA to designate areas as nonattainment if they are exhibiting poor air quality or contributing to nearby poor air quality. EPA is granting VADEQ's request for partial county nonattainment because the violating ozone monitor in Madison County is at high terrain and measuring ozone pollution transported into the Shenandoah National Park. As such EPA believes that only the portions of Page and Madison Counties that comprise the Shenandoah National Park exhibit poor air quality. Therefore, EPA believes that the nonattainment designation of partial counties in this particular case is justified because the ozone violations are most likely due to transport. Using the National Oceanic Atmospheric Administration's (NOAA's) HYSPLIT ozone model, it is possible to gain some insight into the general areas of contribution to the Madison County ozone violations. Specifically, by examining the back trajectories for those days and hours contributing to the Madison County 2003 ozone DV, it is possible to learn about the nature of the Madison ozone violations.

Both of these counties have no point VOC and NO_x emissions, very low area and mobile emissions (less 1120 tons/year), low population (less than 23,000 people), and the population growth rate is very low. Therefore, the sources in the Page and Madison counties do not contribute to the ozone violations in Madison County or nearby areas, justifying the partial county designation.

Comment 1067:

Region: 3

State: VA

Area: Madison & Page Cos (Shenandoah NP), VA

Comment: A commenter believes any nonattainment designation, especially those affecting National Park Service (NPS) units, should encompass existing emission source areas and potential emission growth areas, so that necessary emission reductions can be accomplished. NPS believes that the current recommendation by the Commonwealth of Virginia does not meet these objectives.

The decision by both the Commonwealth of Virginia and EPA to designate only a portion of Shenandoah National Park as nonattainment may have adverse consequences for the Park for many years to come. Shenandoah is the only park unit that would not be fully contained within the boundaries of its associated nonattainment area. Surrounding large source areas may be contributing to the Park's ozone violations. The National Park Service believes a broader area of nonattainment is warranted in order to effectively bring the Park into compliance within a reasonable timeframe. As currently proposed the Park is faced with the challenge of managing only a portion of its land as nonattainment with the remaining area to be managed as an attainment area. Furthermore, the nonattainment area only includes portions of the Park land in two counties. The NPS does not want to be unduly burdened with meeting stringent nonattainment compliance requirements when more emission-intensive activities and sources exist in nearby non-Park lands.

EPA Response: The CAA requires EPA to designate areas as nonattainment if they are exhibiting poor air quality or contributing to nearby poor air quality. EPA is granting VADEQ's request for partial county nonattainment because the violating ozone monitor in Madison County is at high terrain and measuring ozone pollution transported into the Shenandoah National Park. As such EPA believes that only the portions of Page and Madison Counties that comprise the Shenandoah National Park exhibit poor air quality. Therefore, EPA believes that the nonattainment designation of partial counties in this particular case is justified.

The Shenandoah National Park is a Class I Area and consists of portions of 8 counties, Albemarle, Augusta, Greene, Rockingham, Page, Warren, Rappahannock, and Madison. Only Page and Madison Counties have ozone monitors. The 2003 ozone DV for Page County is meeting the standard.

The Shenandoah, VA 8-hour ozone nonattainment area consists of the portions of Madison County, VA and Page County, VA that are within the boundaries of the Shenandoah National Park. The CAA requires EPA to designate areas as nonattainment if they are exhibiting poor air quality or contributing to nearby poor air quality. EPA is granting VADEQ's request for partial county nonattainment because the violating ozone monitor in Madison County is at high terrain and measuring ozone pollution transported into the Shenandoah National Park. As such EPA believes that only the portions of Page and Madison Counties that comprise the Shenandoah National Park exhibit poor air quality. Therefore, EPA believes that the nonattainment designation of partial counties in this particular case is justified. Using the NOAA's HYSPLIT ozone model, it is possible to gain some insight into the general areas of contribution to the Madison County ozone violations. Specifically, by examining the back trajectories for those days and hours contributing to the Madison County 2003 ozone DV, it is possible to learn about the

nature of the Madison ozone violations.

Both of these counties have no point VOC and NO_x emissions, very low area and mobile emissions (less 1120 tons/year), low population (less than 23,000 people), and the population growth rate is very low. Therefore, the sources in the Page and Madison counties do not contribute to the ozone violations in Madison County or nearby areas, justifying the partial county designation.

Comment 194:

Region: 3

State: VA

Area: Norfolk-Virginia Beach-Newport News, VA

Comment: A commenter recommends that the Hampton Roads nonattainment area match the previous 1-hour standard nonattainment areas, excluding Gloucester and Isle of Wight Counties. Based on further analysis of the ozone related criteria, the Commonwealth does not agree with the addition of these counties to the Hampton Roads area. Data is given to support the fact that transport from these counties into Hampton Roads is minimal.

EPA Response: On balance, through an analysis using the 11 guidance criteria indicates that Gloucester and Isle of Wight Counties are more similar to the core Hampton Roads-Norfolk counties than to Mathews County or other attainment counties. The analysis used to evaluate these and other counties was shared with VADEQ prior to the issuance of EPA's December 3, 2003 letter informing them of the inclusion of Gloucester and Isle of Wight Counties in the Hampton Roads-Norfolk nonattainment area.

Comment 193:

Region: 3

State: VA

Area: Richmond-Petersburg, VA

Comment: A commenter recommends that the Richmond 8-hour nonattainment area should be the same as the previous 1-hour nonattainment area. EPA has recommended that Charles City County, the City of Petersburg, and Prince George County be added to this nonattainment area. Based on further analysis of ozone related criteria, the Commonwealth of Virginia recommends these additional counties to be designated attainment. These criteria include back trajectories on high ozone days and the other 11 factors.

EPA Response: The evaluation of Charles City County, Prince George County and the City of Petersburg includes balancing emissions, air quality, population, growth, and other factors named in the March 28, 2000 EPA guidance memorandum. On balance, using the 11 guidance criteria, these counties exhibit characteristics more similar to the other counties in the Richmond nonattainment area. Details of this evaluation are available in the TSD. EPA is designating Charles City County as nonattainment for the 8-hour ozone standard because of the violating

monitor in the county (exhibiting poor air quality).

Comment 1079:

Region: 3

State: VA

Area: Richmond-Petersburg, VA

Comment: A commenter expresses its concern and disapproval of EPA's recommendation to include all of Charles City County in the proposed Richmond nonattainment area under the new 8-hour NAAQS. The Richmond Regional Planning District recommends that the proposed Richmond nonattainment area include only part of Charles City County within these boundaries: the James River, the Charles City County/Henrico County line, State Route 5/156 and State Route 106/156. They request EPA to reconsider its decision based on the resolutions below:

- 1) Only a portion of Charles City County is designated nonattainment under the current 1-hour ozone NAAQS;
- 2) The current boundaries are those boundaries identified above;
- 3) The monitoring station located in the boundaries identified above has, on occasion, exceeded the NAAQS;
- 4) EPA and the Commonwealth of Virginia recognize that the vast majority of ozone emissions recorded at this station is the result of transport from other areas, particularly industrial areas to the south and west of Charles City County
- 5) EPA's assumption that Charles City County is "metropolitan" is incorrect. The county's population is less than 7,000 persons and is approximately 31 persons per square mile, the U.S. Census Bureau uses a criteria of 1,000 persons per square mile to define an urban area
- 6) At the closest point, the Richmond Urbanized boundary is approximately 6 miles from the Charles City County line
- 7) Charles City County has very little business and industry that can contribute to ozone formation
- 8) VDEQ provided EPA with substantial data to support only a small portion of Charles City County being included in the nonattainment area
- 9) Designation of the entire county will impose significant unnecessary hardships on Charles City County.

EPA Response: The EPA disagrees with the commenter. The Charles County monitor is violating the 8-hour ozone standard based on the three most current years of data. EPA believes

that breathing unhealthful levels of ozone is a serious air pollution problem and that the designation should reflect the area experiencing the unhealthful levels of pollution. Except in very limited circumstances, such as unusually large counties or portions of a county that lie in a different airshed due to a geographical feature (for example, a mountain range), designating a partial county as nonattainment does not accurately reflect the subject area's attainment status. A partial county designation does not address whether the other portion of the county is experiencing a violation of the ambient air quality standard.

Charles City County is being designated part of the Richmond nonattainment area. Although the Richmond 1-hour ozone nonattainment area included only the portion of Charles City County around the violating ozone monitor, EPA does not believe that the portion of Charles City County that was excluded from that 1-hour ozone nonattainment area is substantially different from the portion around the violating ozone monitor. Since Charles City County contains a monitor violating the ozone standard, and there is no basis for distinguishing the portion of the county with the monitor from the remaining portions of the county, EPA believes it is appropriate to include the entire Charles City County in the Richmond 8-hour ozone nonattainment area.

Comment 1080:

Region: 3

State: VA

Area: Richmond-Petersburg, VA

Comment: A commenter believes the entire county of Charles City should not be designated nonattainment. Since 1995, there has been little or no change in rural Charles City County, its limited industries, or its growth. Comments submitted by the Richmond Planning Organization were attached and these are copied in below.

- 1) Only a portion of Charles City County is designated nonattainment under the current 1-hour ozone NAAQS;
- 2) The current boundaries are those boundaries identified above;
- 3) The monitoring station located in the boundaries identified above has, on occasion, exceeded the NAAQS;
- 4) EPA and the Commonwealth of Virginia recognize that the vast majority of ozone emissions recorded at this station is the result of transport from other areas, particularly industrial areas to the south and west of Charles City County;
- 5) EPA's assumption that Charles City County is "metropolitan" is incorrect. The county's population is less than 7,000 persons and is approximately 31 persons per square mile, the U.S. Census Bureau uses a criteria of 1,000 persons per square mile to define an urban area;

- 6) At the closest point, the Richmond Urbanized boundary is approximately 6 miles from the Charles City County line;
- 7) Charles City County has very little business and industry that can contribute to ozone formation;
- 8) VADEQ provided EPA with substantial data to support only a small portion of Charles City County being included in the nonattainment area;
- 9) Designation of the entire county will impose significant unnecessary hardships on Charles City County.

EPA Response: The EPA disagrees with the commenter. The Charles County monitor is violating the 8-hour ozone standard based on the three most current years of data. EPA believes that breathing unhealthful levels of ozone is a serious air pollution problem and that the designation should reflect the area experiencing the unhealthful levels of pollution. Except in very limited circumstances, such as unusually large counties or portions of a county that lie in a different airshed due to a geographical feature (for example, a mountain range), designating a partial county as nonattainment does not accurately reflect the subject area's attainment status. A partial county designation does not address whether the other portion of the county is experiencing a violation of the ambient air quality standard.

Charles City County is being designated part of the Richmond nonattainment area. Although the Richmond 1-hour ozone nonattainment area included only the portion of Charles City County around the violating ozone monitor, EPA does not believe that the portion of Charles City County that was excluded from that 1-hour ozone nonattainment area is substantially different from the portion around the violating ozone monitor. Since Charles City County contains a monitor violating the ozone standard, and there is no basis for distinguishing the portion of the county with the monitor from the remaining portions of the county, EPA believes it is appropriate to include the entire Charles City County in the Richmond 8-hour ozone nonattainment area.

Comment 1082:

Region: 3

State: VA

Area: Richmond-Petersburg, VA

Comment: A commenter opposes EPA's intended designation of Petersburg, VA and Prince George County VA as nonattainment under the 8-hour NAAQS. The following findings are supported by an attached report entitled "Evaluation of EPA Ozone Nonattainment Boundary Expansion Proposal for the Richmond MSA":

- 1) Ozone precursor emissions in the Richmond MSA are overwhelmingly from the current 1-hour ozone nonattainment area jurisdictions.

- 2) There are no major stationary sources of ozone precursor emissions sources locate in the City of Petersburg and Prince George County that would be subject to additional controls under a nonattainment designation
- 3) Population and population growth in Petersburg and Prince George County, and therefore area source emissions, constitute a small proportion of that in the 1 hour maintenance area, and are diminimus.
- 4) EPA's estimates of motor vehicle activity and resulting emissions are incorrect.
- 5) A high percentage of motor vehicles in the City of Petersburg and Prince George County are actually through traffic- it both originates and is destined to jurisdiction outside of Petersburg and Prince George County.
- 6) Tier II will provide emissions benefits dwarfing those of local control measures and rendering them essentially insignificant.

EPA Response: The evaluation of Prince George County and the City of Petersburg includes balancing emissions, air quality, population, growth, and other factors named in the March 28, 2000 EPA guidance memorandum. On balance, using the 11 guidance criteria, Prince George County and the City of Petersburg exhibit nonattainment characteristics more similar to the other counties in the Richmond nonattainment area. Details of this evaluation are available in the TSD.

Comment 197:

Region: 3

State: VA

Area: Roanoke, VA

Comment: A commenter recommends that the Roanoke Nonattainment Area follow the 1999 MSA boundaries. The commenter also notes that this is an EAC area and requests EPA to continue to defer the effective date of the nonattainment designation as long as the area continues to meet the obligations under the EAC.

EPA Response: The EPA Agrees with the commenter. EPA is deferring the 8-hour ozone nonattainment designation for the four jurisdictions that make up the Roanoke EAC Area. These jurisdictions are: Botetourt County, Roanoke County, City of Roanoke, and City of Salem. These four jurisdictions make up the entire 1999 Roanoke MSA. This area has an EAC agreement with EPA and submitted its early action plan, due March 31, 2004. Based on a review of the local plan and other information submitted by the VADEQ, EPA has determined that the Roanoke area has met this milestone, and therefore is eligible for the deferred effective date of designation.

Comment 192:

Region: 3

State: VA

Area: Washington, DC-MD-VA

Comment: A commenter recommends that the Northern Virginia Nonattainment Area remain the same as the previous 1-hour nonattainment area. He also recommends that Fauquier County be designated as attainment because recent monitor data indicates that it now attains the 8-hour standard.

EPA Response: EPA agrees with the commenter. Fauquier County is being designated as attainment. Fauquier County is currently measuring attainment of the 8-hour ozone standard (2003 ozone DV).

Comment 195:

Region: 3

State: VA

Area: Washington, DC-MD-VA

Comment: A commenter requests a separate nonattainment area for Fredericksburg in order to best meet individual planning needs of the area. Currently Virginia is working with EPA to process a Memorandum of Understanding (MOU) to meet this requirement.

EPA Response: EPA agrees with the commenter. The Fredericksburg 8-hour ozone nonattainment area consists of Stafford County, VA, Spotsylvania, VA and the City of Fredericksburg, VA. EPA believes that the separation of this area from the Washington D.C. nonattainment area will not jeopardize either area attaining the ozone standard. Instead, EPA believes that this separation will allow the respective jurisdictions some flexibility to attain the ozone standard. Therefore, Fredericksburg is being designated as a separate 8-hour nonattainment area from the Washington Area.

Comment 196:

Region: 3

State: VA

Area: Washington, DC-MD-VA

Comment: A commenter recommends that Caroline County should be designated as a separate nonattainment area. Recommendation is made on behalf of Caroline County even though the monitor does not show a violation of the ozone standard. Caroline County will participate in the planning process with Fredericksburg nonattainment area.

EPA Response: The EPA disagrees with the commenter. Although VADEQ and Caroline County, VA requested to become an 8-hour ozone nonattainment area, EPA is designating Caroline County, VA as attainment. This is a single county nonattainment area that is not part of any 1999 C/MSA and which currently contains an ozone monitor that is measuring attainment of the 8-hour ozone standard.

Comment 1066:

Region: 3

State: WV

Area:

Comment: A commenter strongly disagrees with one of EPA's statements that if EAC milestones were not met in Berkeley and Jefferson Counties, EPA would require the counties to be classified the same as the Washington D.C. area. The state 2000 recommendation submittal provided a rationale for excluding Berkeley and Jefferson Counties from any potential Baltimore-Washington 8-hour ozone nonattainment area, and this information was updated in the July 14, 2003 submittal. EPA has never refuted the conclusion nor rebutted any of the substantive information. The commenter feels that Berkeley and Jefferson Counties should remain separate from any potential Washington D.C. MSA nonattainment areas even if those counties opt out of the EAC, fail to meet critical EAC requirements, and/or EPA ultimately designates Berkeley/Jefferson Counties as nonattainment. If the last occurs, the nonattainment boundaries should be defined as the county boundaries and the classification should be based upon the Martinsburg, WV 8-hour ozone value.

EPA Response: The EPA is designating Berkeley and Jefferson counties in West Virginia as nonattainment (deferred) because these two counties have an EAC with the Agency. Based on the 11 factor analysis EPA supports a separate designation for Berkeley and Jefferson counties. If the EAC fails, Berkeley and Jefferson Counties will be designated nonattainment and the classification will be based on the DV of the West Virginia Eastern Panhandle Area.

Comment 1040:

Region: 3

State: WV

Area: Berkeley and Jefferson Counties, WV

Comment: A commenter offers the following comments:

1) Commenter strongly disagrees with EPA's statement (in EPA's December 12, 2003 letter to Governor Wise regarding commenters July 2003 preliminary 8-hour ozone designations for the State of West Virginia) concerning the West Virginia Eastern Panhandle (Berkeley and Jefferson Counties). Specifically, Enclosure 2 of EPA's letter states with little justification that if EAC milestones were not met, EPA would require Berkeley and Jefferson counties to be classified at the same classification as the Washington D.C. area. The commenter believes this requirement to be inconsistent with the other information provided in EPA's discussion.

2) Enclosure 1 of EPA's letter lists the areas, including Berkeley and Jefferson Counties WV, which EPA intends to designate nonattainment and states that they are consistent with West Virginia's recommendations. However, Enclosure 2 recounts that EPA is modifying our recommendation by designating Berkeley and Jefferson counties as a nonattainment area. The commenter presumes that part of the confusion originates from EPA using more recent data than commenter's July 14, 2003 submittal as the basis for the designation. The commenter states they only had two complete years of data at that time and therefore considered the area to be

unclassifiable. It appears that EPA used the 2003 data as part of its designation evaluation prior to the commenter's letter to Judy Katz (December 12, 2003) validating the final ozone data. The commenter does acknowledge that the most recent data from Martinsburg, WV (considered representative of Berkeley and Jefferson counties) yields a DV of 86 parts per billion which does not meet the 8-hour ozone standard. The commenter agrees that the correct designation should be "nonattainment - deferred." The nonattainment designations should be deferred until 2007 pursuant to the EAC. The commenter, however, strongly disagrees with the linkage to Washington D.C. in the event of any EAC deficiency.

3) Commenter believes that Berkeley and Jefferson Counties should remain separate from any potential Washington D.C. MSA nonattainment area even if those counties opt out of the EAC, fail to meet a critical EAC requirement, and/or EPA ultimately designates Berkeley/Jefferson counties as 8-hour ozone nonattainment. If the last occurs, the nonattainment boundaries should be defined as the county boundaries and the classification should be based upon the Martinsburg, WV ozone DV. The commenter contends that MSA/C/MSA boundaries should be less controlling than EPA has construed and gives the following reasons why Berkeley and Jefferson Counties should remain separate from any potential Washington D.C. MSA nonattainment area:

4) Commenter believes EPA is not compelled to adhere to the rigid construction of federally defined MSAs and C/MSAs and may in fact specify that a different MSA definition be used for 8-hour ozone and PM_{2.5} designations.

5) Commenter's June 29, 2000 recommendation submittal provided a rationale for excluding Berkeley and Jefferson counties from any potential Baltimore-Washington 8-hour ozone nonattainment areas. Updated and enhanced information was submitted on July 14, 2003. The commenter believes they have demonstrated that the Eastern Panhandle should remain separate from Washington D.C.; EPA has never refuted this conclusion.

6) EPA reviewed several key boundary factors and concluded that its examination of several specific individual criteria supports the case for separation of the Berkeley and Jefferson Counties from the Washington D.C. area.

EPA Response: The EPA is designating as nonattainment (deferred) the Berkeley and Jefferson counties in West Virginia because these two counties have an EAC with the Agency. Based on the 11 factor analysis EPA supports a separate designation for Berkeley and Jefferson counties. If the EAC fails, the deferred nonattainment designation (and the associated classification) for Berkeley and Jefferson Counties will become effective.

3.4 Responses to Comments
EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi,
North Carolina, South Carolina, and Tennessee)

Comment 1111:

Region: 4

State:

Area:

Comment: A commenter whose organization represents the State air pollution control agencies in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee requests EPA to approve the State-recommended boundaries for the 8-hour ozone nonattainment areas as submitted by the organization's member States. The commenter notes that while he understands that EPA has the final authority in approving nonattainment boundaries, it is the organization's position that the recommendations of each State should be accepted in the absence of compelling evidence to the contrary.

EPA Response: EPA thanks the writer for his comments regarding State nonattainment boundary recommendations. EPA's decisions on States' recommendations are contained in the TSD.

Comment 68:

Region: 4

State: AL

Area: Birmingham, AL

Comment: A commenter asserts that Jefferson County should be designated as attainment since it meets the 8-hour NAAQS for ozone and did not contribute to a violation of the standard in Shelby County. Arguments are based on regional meteorological modeling, monitor readings, level of emissions controls, and population growth.

EPA Response: The information provided by the Jefferson county Health Department indicates that Jefferson county does contribute to the violations in Shelby county. Therefore EPA disagrees with the commenter.

Comment 263:

Region: 4

State: GA

Area:

Comment: A commenter asserts that EPA should consider the impact of a proposed nonattainment designation and defer as much responsibility as possible to the states to implement the standard. EPA has not done this with its proposed designations.

EPA Response: The CAA requires EPA to designate as nonattainment any area that is violating the standard or that is contributing to a violation in a nearby area. This rule only concerns the designations. However, EPA notes that the CAA does place primary responsibility for implementing the standard on the State. EPA is taking final action interpreting the implementation provisions of the CAA in two final actions that are separate from this rulemaking.

Comment 267:

Region: 4

State: GA

Area:

Comment: A commenter asserts that EPA should consider additional regional air modeling analyses when making designations.

EPA Response: While EPA will consider modeling analyses that indicate whether areas currently have air quality that does not meet the standard or are contributing to violations of the standard in nearby areas, EPA does not consider modeling that predicts air quality in future years. The designations are based on current air quality.

Comment 268:

Region: 4

State: GA

Area:

Comment: A commenter asserts that EPA should consider whether a state has statutory authority to control emissions in attainment counties to help solve problems in core nonattainment areas.

EPA Response: The CAA requires EPA to designate as nonattainment any area that is violating the standard and any nearby area that is contributing to a violation. The fact that a State has authority to require emission reductions in an area in the future does not change whether the area is violating the standard or contributing to a violation of the standard at the time of the designation.

Comment 1070:

Region: 4

State: GA

Area:

Comment: A commenter asserts that Houston County should be excluded from nonattainment classification and should not be considered as a contributor to the ozone issues in Bibb County, chiefly because:

1) Bibb County is the only location of an ozone monitor in the Macon CMSA. Houston County, which is directly south of Bibb and Macon Counties, comprises only about 6.8% of the airshed's point source NOx. In fact, the NOx budget for the Macon CMSA is predominantly dominated by a single coal-burning power plant northwest of Macon, which contributes 80.6% of the total point source NOx in the Macon CMSA airshed. It should be noted that this plant has voluntarily switched its coal to Powder River Basin coal and is using other techniques to reduce emissions.

2) Meteorology validates Houston County's exclusion from the nonattainment category. An

analysis of ozone exceedance events at the Bibb County monitor have been characterized as occurring under westerly and northwesterly airflow. Houston County is directly south of Bibb and Macon Counties. Monitored exceedances have not been associated with southerly airflow.

3) The level of commuting in Houston County is low. In 2000, 79.7% of the people working in Houston County (39,954 people) also live there. Of the workers in Bibb County, only about 10% were commuting in from Houston (8,750 people).

Excluding Houston County from the nonattainment classification would be consistent with other EPA actions as meteorological data were used to separate counties with a potential designation. A similar analysis in the Tuscaloosa, AL area showed that on the days of measured nonattainment in neighboring Jefferson County, prevailing winds were not from the direction of Tuscaloosa county, and EPA concurred with the state of Alabama that Tuscaloosa County did not contribute to nonattainment in Jefferson County.

EPA Response: EPA has designated Houston County, GA as attainment. This decision was based on an 11 factor analysis for the Macon MSA. That 11 factor analysis is contained in chapter 6 of the TSD.

Comment 208:

Region: 4

State: GA

Area: Augusta, GA

Comment: A commenter intends to withdraw its recommendation that Richmond County be designated as nonattainment. Recent monitoring data indicates that this area is in attainment with the 8-hour ozone standard but the data still needs to be quality assured. SCDHEC reports similar findings for the Aiken, SC area.

EPA Response: Data has now been quality assured. EPA agrees with commenter.

Comment 1051:

Region: 4

State: GA

Area: Chattanooga TN-GA

Comment: 1) A commenter is in receipt of EPA's letter dated December 3, 2003, in which EPA states its intention to modify the State of Georgia's recommendation for 8-hour ozone standard nonattainment area designations. EPA states that, in addition to the counties recommended by Georgia, they intend to designate Catoosa, Houston, Monroe, and Walker counties as well. The commenter does not agree with EPA's decision to designate these counties as nonattainment. In their letter of February 6, 2004 to EPA, the commenter provided additional information, including EAC-related information, in support of their initial recommendations. The commenter's EAC-related information for Catoosa and Walker Counties, Georgia (Chattanooga EAC) from the

February 6, 2004 letter follows:

2) Catoosa County has signed a letter of support for Chattanooga's EAC. Catoosa County is actively involved in the EAC and by doing so committed to taking additional actions to ensure that the ozone standard is met. By definition, this involvement ensures that appropriate air pollution sources in Catoosa will be considered and implemented in the overall plan. If for some reason the temporary relief from nonattainment area requirements provided to EAC participants is found invalid by legal challenges, the county would assume unnecessarily the burdens of New Source Review (NSR) of its stationary sources, a mobile source emissions budget, and participation in regional transportation planning.

3) Walker County, like Catoosa County, is actively involved in Chattanooga's EAC, and is committed to taking additional actions to ensure that the ozone standard is met. By definition, this involvement ensures that appropriate air pollution sources in Walker will be considered and implemented in the overall plan. If for some reason the temporary relief from nonattainment area requirements provided to EAC participants is found invalid by legal challenges, the county would assume unnecessarily the burdens of MOU of its stationary sources, a mobile source emissions budget, and participation in regional transportation planning.

4) While EPA indicated that the State did not provide a compelling argument based on the 11 factors to exclude Catoosa County, commenter believes that the additional modeling analysis, consideration of the local EAC commitment to contributing to attainment, and other information (included in the February 6, 2004 letter to EPA) should provide EPA with sufficient evidence to concur with our original recommendation.

5) For Walker County, EPA should reconsider the additional air quality modeling performed for the Chattanooga area, the issue of whether or not participation in an EAC should mandate inclusion in a nonattainment area, the local EAC commitment to contributing to attainment, and the other information included in the February 6, 2004 letter to EPA. This reconsideration would provide EPA with sufficient information to concur with our original recommendation.

6) Georgia has not waited for designations to start our air quality planning process. We and other planning partners have invested significant resources to do the necessary proactive modeling and other technical analysis to hopefully achieve clean air goals sooner.

7) In support of Chattanooga's EAC, the future year modeling simulations were conducted for both 2007 and 2012.

EPA Response: Based upon an analysis of the 11 factors, EPA has designated Walker County as attainment, which is consistent with the States recommendations. However, EPA's analysis has led EPA to conclude that Catoosa County contributes to nonattainment in the Chattanooga MSA and therefore EPA has designated Catoosa County as nonattainment. The 11 factor analysis for the Chattanooga MSA is in Chapter 6 of the TSD.

Comment 1104:**Region: 4****State: GA****Area: Chattanooga TN-GA**

Comment: A commenter feels that EPA should accept the State of Georgia's recommendation of attainment for Catoosa and Walker counties. Both counties have been in compliance with the EPA's 8-hour ozone standard. Also, recent modeling studies by the Georgia Department of Natural Resources and the Georgia Institute of Technology all show that emission controls in neither Catoosa nor Walker County are needed to bring the Chattanooga area into attainment. The commenter is concerned that a nonattainment designation for Walker County would strongly discourage counties from voluntarily joining EACs in the future.

EPA Response: Based upon an analysis of the 11 factors, EPA has designated Walker County as attainment, which is consistent with the State's recommendations. However, EPA's analysis has led EPA to conclude that Catoosa County contributes to nonattainment in the Chattanooga MSA and therefore EPA has designated Catoosa County as nonattainment. The 11 factor analysis for the Chattanooga MSA is in Chapter 6 of the TSD.

Comment 210:**Region: 4****State: GA****Area: Chattanooga TN-GA**

Comment: A commenter asserts that Catoosa and Walker counties should not be included in the proposed Chattanooga nonattainment area. While not fully quality-assured, the most recent ozone monitoring data and trends support this position as well as the most recent findings of the Arkansas-Tennessee-Mississippi Ozone Study.

EPA Response: EPA agrees with Walker. Disagrees with Catoosa. EPA's decisions are based on an 11 factor analysis for the Chattanooga MSA. This 11 factor analysis is located in chapter 6 of the TSD.

Comment 264:**Region: 4****State: GA****Area: Chattanooga TN-GA**

Comment: A commenter asserts that EPA should not designate Catoosa and/or Walker Counties with the Chattanooga nonattainment area because of additional modeling analysis, local EAC commitments, and the consequent jurisdictional complications of planning for a CMSA that includes different state and local agencies.

EPA Response: EPA agrees with Walker. Disagrees with Catoosa. These designation decisions

are based on an 11 factor analysis for the Chattanooga MSA. This 11 factor analysis is located in chapter 6 of the TSD.

Comment 209:

Region: 4

State: GA

Area: Macon, GA

Comment: A commenter reiterates earlier recommendation to designate only Bibb County as nonattainment for the 8-hour ozone standard for the Macon area. Recent monitoring data indicates that the trends for both 8-hour ozone and PM_{2.5} are declining. In addition, significant reductions in NO_x have been achieved through the Atlanta 1-hour Ozone Attainment SIP, including reductions in counties (including non-adjacent) currently designated attainment. The commenter also contends that the EPA's eleven criteria also support restricting the Macon 8-hr ozone nonattainment area to Bibb County only. While the neighboring counties contain large point source emitters of ozone precursors, they do not meet the remaining criteria.

EPA Response: Based upon an analysis of the 11 factors, EPA has designated part of Monroe County as well as Bibb county as nonattainment. The large power plant in Monroe County was an important factor in deciding to designate as nonattainment part of Monroe County. Houston has been designated attainment based on the 11 factor analysis. The 11 factor analysis for the Chattanooga MSA is in Chapter 6 of the TSD.

Comment 265:

Region: 4

State: GA

Area: Macon, GA

Comment: A commenter asserts that EPA should exclude Houston County from the Macon nonattainment area based on additional modeling analysis, consideration of the local Middle Georgia Clean Air Coalition commitment to contributing to attainment, the State's intent to submit an early attainment plan, and factors associated with population, commuting, and emissions.

EPA Response: Based on an 11 factor analysis for the Macon MSA, EPA has decided to designate Houston County as attainment. The 11 factor analysis is located in chapter 6 of the TSD.

Comment 266:

Region: 4

State: GA

Area: Macon, GA

Comment: A commenter asserts that EPA should exclude Monroe County from the Macon

nonattainment area based on additional modeling analysis, the existing metro-Atlanta control measures, consideration of the Middle Georgia Clean Air Coalition actions, and the State's intent to submit an early attainment plan. The EPA cited only the presence of the Georgia Power Plant Scherer as a reason for this county's inclusion in the nonattainment area.

EPA Response: Based on an 11 factor analysis for the Macon MSA, EPA has decided to designate part of Monroe County as nonattainment. The NOx emissions from the large power plant in Monroe County was a factor in this analysis. The 11 factor analysis is located in chapter 6 of the TSD.

Comment 72:

Region: 4

State: MS

Area: Memphis, TN-AR-MS

Comment: A commenter asserts that DeSoto County should be considered a separate attainment area from the Memphis MSA.

EPA Response: We agree that DeSoto County should be designated attainment. Our analysis for this area may be found in the discussion of the Memphis MSA in chapter 6 of the TSD.

Comment 1078:

Region: 4

State: GA

Area: Murray Co Chattahoochee Nat Forest Mtns, GA

Comment: A commenter notes that the Cohutta monitoring station is not attaining the 8-hour NAAQS. She disapproves of EPA designating only the Cohutta Wilderness as nonattainment. She believes there are no significant sources of NOx within the Wilderness and designating only the Wilderness will not result in any air quality improvement. She recommends EPA designate Gilmer, Fannin, and Murray counties nonattainment in order to address the problems at hand.

EPA Response: Region 4 agrees with the State's recommendation of a partial county for this nonattainment area. The State submitted information that clearly indicates that Murray County is affected by transport which will be addressed by regional and federal control strategies that are already in place.

Comment 211:

Region: 4

State: GA

Area: Murray Co Chattahoochee Nat Forest Mtns, GA

Comment: A commenter asserts that only certain areas of high elevation within Murray County should be designated as nonattainment. EPA's eleven nonattainment designation criteria do not

support designation of the entire county as nonattainment. High ozone concentrations observed by the Ft. Mountain monitoring site are the result of pollutant transport and vertical dispersion characteristics unique to this area. State recommends only designating as nonattainment those mountain peaks within the Chattahoochee National Forest Area of Murray County that have an elevation greater than or equal to 2,400 feet and that are enclosed by contour lines that close on themselves.

EPA Response: EPA agrees with the commenter and has designated only a partial area in Murray County.

Comment 138:

Region: 4

State: NC

Area:

Comment: A commenter asserts that North Carolina should have proposed areas that contribute to ambient air quality in a nearby area that does not meet the 8-hour standard. North Carolina does not provide any information about sources outside of counties with nonattaining monitors that contribute to nonattainment areas.

EPA Response: Regardless of the State's analysis, EPA has completed an 11 factor analysis, in accordance with the March 28, 2000, boundary guidance, of all violating CMSAs in the Southeast, and the counties adjacent to those areas. Our analysis for each area is in chapter 6 of the TSD

Comment 201:

Region: 4

State: NC

Area:

Comment: A commenter asserts that North Carolina notes that it has conscientiously followed EPA's 11 factor guidance and asks EPA to consider:

- 1) North Carolina has vigorously supported the 8-hour standard.
- 2) North Carolina has taken a proactive approach by enacting the Clean Air Bill of 1999 which changes the vehicle I/M program and expands it from 9 to 48 counties. North Carolina has also passed an aggressive multi-pollutant bill that will result in significant reductions in sulfur dioxide and year round reductions in nitrogen oxides (NOx) from utilities.
- 3) North Carolina has invested significant resources to conduct a modeling analysis. Findings from this study indicate that four of the five monitors that will not attain by 2007 are in the Charlotte region and are not required to attain until at least 2010.

4) North Carolina has the statutory authority to place controls on any sources within the state.

5) North Carolina has successfully implemented, with EPA's approval, partial designations under the 1-hour ozone standard in both Granville and Davie Counties.

EPA Response: North Carolina did provide an analysis of the 11 factors set forth in EPA's March 2000 Guidance. However EPA's own 11 factor analysis has led EPA to different conclusions in some cases. We believe that several areas that North Carolina excluded from nonattainment areas are contributing to violations in nearby areas. In addition, EPA's own modeling as well as modeling results from the North Carolina DENR web site indicate that broad areas of North Carolina may have air that is sometimes violating the 8-hour standard. [See modeling data from EPA and NC in Chapter 6 of the TSD.] In light of this, partial county designations such as those recommended by North Carolina for Rockingham, Caswell, Person and Granville Counties make less sense. Also it is important to remember that designations are based on current air quality, not modeled air quality several years in the future.

Comment 73:

Region: 4

State: NC

Area:

Comment: A commenter asserts that North Carolina's recommendations are consistent with EPA's Boundary Guidance. For EPA to claim now that a standard evaluation technique should be used is arbitrary and unreasonable.

EPA Response: EPA appreciates that North Carolina applied the 11 factors in providing recommendations to EPA. However, EPA's task is to evaluate each State's recommendation and to apply the 11 factors consistently for all areas of the country when making designation decisions. While each area is unique and EPA must consider the specific facts for each area, EPA is obligated to treat areas across the country in a fair and equitable manner.

Comment 75:

Region: 4

State: NC

Area:

Comment: A commenter asserts that North Carolina has taken steps to assure expeditious attainment of the 8-hr ozone standard: 1) NC adopted the 8-hr standard on April 1, 1999. 2) NC has the most extensive 8-hr ozone forecasting program in the country. 3) NC General Assembly adopted the Clean Air Bill of 1999, changing the vehicle inspection and maintenance program to an on-board diagnostic program that is one of the most expensive and progressive in the country. 4) NC legislature enacted a multi-pollutant bill that will have significant year-round reductions in NO_x from utilities 5) NC has invested significant resources to conduct 8-hr ozone modeling showing all but five monitors reaching attainment by 2007. 6) NC does not need a broad

nonattainment designation to regulate its sources because it has authority to adopt controls on any source contributing to nonattainment. The commenter also believes full county designations penalize predominantly rural parts of the state that do not and will not contribute substantially to air quality problems.

EPA Response: EPA appreciates that North Carolina has taken many positive steps to promote good air quality. However, EPA's task is to evaluate each State's recommendation and to apply the 11 factors consistently for all areas of the country when making designation decisions. While each area is unique and EPA must consider the specific facts for each area, EPA is obligated to treat areas across the country in a fair and equitable manner.

Comment 139:

Region: 4

State: NC

Area:

Comment: A commenter asserts that an area-by-area analysis of North Carolina's proposed restrictive boundaries demonstrates that they are not supported by the factors in EPA's guidance. In all cases, the proposed nonattainment boundaries have been artificially circumscribed by ignoring or discounting data.

EPA Response: EPA has examined the information which the State has submitted and has supplemented this information with other information which has been developed by EPA. In some cases we agreed with the State's recommendations and in others we did not. EPA's final determination for each area in North Carolina, and our supporting analysis, may be found in the justifications portion of the TSD.

Comment 145:

Region: 4

State: NC

Area: Asheville, NC

Comment: A commenter asserts that Madison and Hayward Counties should not be excluded from the Asheville MSA nonattainment designation. Also, the inclusion of only areas above 4000 feet adjacent to the Great Smoky Mountain National Park is arbitrary and unworkable.

EPA Response: Based on 2001- 2003 air quality data, the Asheville area is attaining the 8-hour ozone standard and we are designating the area attainment.

The state's TSD demonstrated that the violations in the North Carolina portion of the Great Smoky Mountain National Park (GSMNP) are due to long range transport. In EPA's December 3, 2003, response to North Carolina, EPA concurred with the state. Parts of the North Carolina side of the Great Smoky Mountain Park in Haywood and Swain Counties have been

designated as nonattainment because of the presence of violating monitors.

Comment 137:

Region: 4

State: NC

Area: Asheville, NC; Fayetteville, NC; Greensboro-Winston-Salem-High Point, NC; Hickory-Morganton-Lenoir, NC

Comment: A commenter asserts that entire EAC areas should be designated as nonattainment.

EPA Response: All nonattainment designations are based on the statutory definition of a nonattainment area, i.e., an area that is violating the standard or that is contributing to a violation in a nearby area. Thus, we examine whether a county is violating the standard and, for areas not violating, we look to the 11 factors in our March 2000 Guidance to determine whether the county is contributing to a nearby violation. EAC counties are treated the same as other counties in determining designation status.

Comment 202:

Region: 4

State: NC

Area: Buncome, McDowell, & Yancey Counties (Blue Ridge, Black & Great Craggy Mountains), NC; Haywood, Jackson, & Transylvania Counties, NC (Great Balsam Mountains)

Comment: A commenter asserts that based on 2003 monitoring data, North Carolina requests the following areas to be attainment: Blue Ridge, Black and Great Craggy Mountains above 4000 feet in Buncombe County, McDowell and Yancey Counties (Mt. Mitchell monitor) Buncombe County (Bent Creek monitor), Great Balsam Mountains above 4000 feet in Haywood County, and Jackson County (Frying Pan monitor).

EPA Response: The area in the North Carolina mountains that EPA has designated nonattainment are parts of Haywood and Swain Counties which lie in the Great Smoky Mountain National Park.

Comment 200:

Region: 4

State: NC

Area: Charlotte-Gastonia-Rock Hill, NC-SC; Fayetteville, NC; Greensboro-Winston-Salem-High Point, NC; Hickory-Morganton-Lenoir, NC; Raleigh-Durham-Chapel Hill, NC; Rocky Mount, NC

Comment: A commenter confirms its original recommendation for the nonattainment areas of Charlotte-Gastonia-Rock Hill; Fayetteville; Greensboro-Winston Salem-High Point; Hickory-Newton-Conover; Raleigh-Durham-Chapel Hill; and Rocky Mount. North Carolina

believes that these recommendations are appropriate, effective, and consistent with applicable law, regulation, and guidance. Further, the State believes that EPA has given an arbitrary and unreasonable deference to the MSA boundaries. The implementation of the 8-hour ozone standard is clearly a nonstatistical program for a number of reasons, including the influences of the weather and predominant wind flow patterns. North Carolina believes that they have adequately addressed the issue of transport by evaluating wind flows to rural monitors located downwind of major urban areas.

EPA Response: EPA has examined all the letters that North Carolina submitted and has taken into consideration the data which the State presented. In addition EPA has conducted additional analyses based on examination of the 11 factors specified in out March 2000 Guidance. The EPA analysis along with the information submitted by the State has led EPA to the final designations that will be published in 40 CFR part 81. The 11 factor analyses for several MSA areas in North Carolina are included in chapter 6 of the TSD. EPA has used MSA boundaries as a starting point for analysis, but has departed from strictly using these by, for example, including adjacent counties which have violating monitors, such as in Rockingham, Caswell, Person and Granville Counties.

Comment 1021:

Region: 4

State: NC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter states that Iredell County, NC should not be grouped with the other counties in the Charlotte-Gastonia-Rock Hill CMSA. Iredell County should instead be given a separate designation of attainment. Although Iredell County has been included in this CMSA, the 2000 Census considers it a separate “micropolitan” area. Iredell County does not have any violating monitors and does not want to encounter undue rules and regulations on its industries or federal transportation funding.

EPA Response: The EPA agrees that Iredell County does not have a monitor that is violating the ozone standard although it is adjacent to several counties in the Charlotte and neighboring areas that are monitoring unhealthful air quality in excess of the national standard. The CAA defines nonattainment as an area that is violating the standard or is contributing to a violation of the standard in a nearby area. Part of this county was recommended by the State as nonattainment. The State provided technical information pertaining to the county and satisfactorily demonstrated to EPA that part of the county can be designated as attainment. EPA agrees that the part recommended as nonattainment by the State is contributing to nearby violations. See Charlotte-Gastonia, NC-Rockhill/York County, SC analysis in Chapter 6 of the TSD.

Comment 203:

Region: 4

State: NC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter asserts North Carolina submitted additional background material to support Feb. 12, 2004 recommendations. State and Local control programs are being implemented to further attain the States air quality goals. Regarding the Charlotte-Gastonia-Rock Hill area: based on projected growth and emission reductions, North Carolina expects 3 of the monitors to attain by 2007 and the remaining four monitors to attain by 2010 with the state and federal control measures that are currently under implementation. Based on a review of population data, North Carolina excluded the western part of Lincoln County and the eastern portion of Union County. Southern Iredell County was added to capture emissions from the I-77 corridor. The commenter believes that any sources that are in the excluded portions of these counties will be adequately addressed by state and Federal rules for those source categories.

EPA Response: Designations are based on current air quality, not on modeled future air quality. EPA agrees with the State's recommendation to designate only a portion of Iredell County as nonattainment. However, EPA is designating as nonattainment all of Union and Lincoln counties. These counties have monitors violating the standard and EPA is not convinced that those monitors do not represent air quality throughout the counties.

Comment 140:

Region: 4

State: NC; SC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter asserts that portions of several counties that are part of the Charlotte MSA have been arbitrarily excluded from the proposed nonattainment area. Cabarrus, Rowan, Iredell, Lincoln, Union, and York Counties were cited.

EPA Response: We have designated the full counties of Cabarrus, Rowan, Lincoln, and Union as part of the Charlotte nonattainment attainment area. Iredell County is not part of the Charlotte-Gastonia-Rock Hill MSA and is fairly rural in several sections of the county. The part of the county nearest the Charlotte-Gastonia-Rock Hill MSA, which is most likely to have commuters into the MSA, was chosen for inclusion as nonattainment, consistent with the State's recommendation. York County in South Carolina has a monitor which is showing attainment. The area was included in an 11 factor analysis of the MSA. A portion of the county was determined to be contributing to violations in the MSA and that portion was designated as part of the Charlotte nonattainment area. The 11 factor analysis for the Charlotte area is contained in chapter 6 of the TSD.

Comment 1044:

Region: 4

State: NC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter is concerned that:

1) While South Carolina's pursuit of an EAC with EPA for the Rock Hill-Fort Mill area is

commendable, this action would compromise their ability as a bi-state urban area to work together to improve our air quality.

2) There is the potential loss of economic development activity due to North Carolina's non-attainment air quality status, especially if South Carolina is not similarly regulated.

3) We recommend that the Rock Hill- Fort Mill area be included in the non-attainment area as part of the Charlotte region air shed.

EPA Response: EPA generally agrees with the commenter the Rock Hill-Fort Mill area be included as part of the Charlotte nonattainment area. Based on our 11 factor analysis, we believe that the urbanized portion of York County inside the MPO boundary is contributing to violations in the Charlotte area. Thus, we have designated that portion of York County as nonattainment. Our justification is provided in the Charlotte 11 Factor Analysis in Section 6 of the TSD.

Comment 204:

Region: 4

State: NC

Area: Greensboro-Winston-Salem-High Point, NC

Comment: A commenter asserts that based on emissions and air quality modeling studies, North Carolina expects all but one of the monitors to attain by 2007, and all of the monitors to attain by 2010. He notes that Yadkin County was excluded because of its rural nature and limited emission sources. Stokes County was excluded because of its rural nature and the major source of emissions in that county are subject to the NOx SIP call. Randolph County, from Asheboro north, has been added to this area because of the population growth and the high commuting patterns from Asheboro to the Greensboro-High Point area while the southern part of Randolph county has been excluded because of its rural nature. North Carolina has recommended the townships to be in the nonattainment area where violating monitors are located in Rockingham and Caswell Counties. This is because these are downwind recipients of ozone transport from the Triad area. Rockingham counties point source emissions will be controlled by the NOx SIP Call and the Clean Smokestacks Act.

EPA Response: Designations are based on current air quality, not on modeled future air quality. Our analysis for the individual areas mentioned by the commenter is provided in the justification section of the TSD.

Comment 74:

Region: 4

State: NC

Area: Greensboro-Winston-Salem-High Point, NC

Comment: A commenter asserts that North Carolina recommended a partial county boundary for Davie County, which contains a monitor that indicated a violation and that is located in the

southeastern corner of the county. This recommendation met the intent of the CAA on grounds of lack of emissions in Davie County and their limited impact on the Triad's air quality.

EPA Response: EPA is designating as nonattainment all whole counties which have violating monitors, such as Davie County. (The only exception is that in some cases where there are other monitors in the county which are showing attainment. In such a case a part county nonattainment area may be considered.)

Comment 141:

Region: 4

State: NC

Area: Greensboro-Winston-Salem-High Point, NC

Comment: A commenter asserts that the entire Greensboro/Winston-Salem/High Point MSA and contributing counties with violating monitors should be designated nonattainment rather than the recommendation submitted by North Carolina. The entire EAC area should be designated nonattainment and should include all of Stokes, Yadkin, Davie, Caswell, and Rockingham Counties.

EPA Response: The designation of an area as attainment or nonattainment is based on a state's recommendation, air quality monitoring data indicating whether the area is violating, and an analysis of the 11 factors in EPA's March 28, 2000 Guidance. EPA did not base designations on whether a county is participating in an EAC. EPA agrees with the State's recommendation that Stokes and Yadkin counties be designated attainment. The 11 factor analysis which EPA used to evaluate the Greensboro-Winston Salem-High Point MSA is contained in chapter 6 of the TSD.

Comment 205:

Region: 4

State: NC

Area: Hickory-Morganton-Lenoir, NC

Comment: Several commenters request exclusion of the Taylorsville monitor from the designated area because it is very rural and is impacted by emissions from Charlotte and the Triad. Only a small area around this monitor is recommended to be nonattainment.

EPA Response: EPA believes that the Taylorsville monitor in the Hickory-Morganton-Lenoir MSA is indicative of the air quality in that MSA. Therefore the whole of Alexander County, which contains Taylorsville, is being designated nonattainment.

Comment 144:

Region: 4

State: NC

Area: Hickory-Morganton-Lenoir, NC

Comment: A commenter asserts that North Carolina should include the four-county area of Hickory/Morgantown MSA as nonattainment. There are significant NOx emissions in the four-county area that also indicate the area should be nonattainment.

EPA Response: The State recommended that parts of the four county Hickory-Morganton-Lenoir, NC MSA be designated nonattainment. EPA is designating the whole of Alexander County as nonattainment. There is a violating monitor in that county. EPA also is designating the whole of Catawba County as nonattainment since it is located between two counties with violating monitors and we believe those monitors represent air quality in Catawba County. EPA followed the State's recommendation to designate only portions of Caldwell and Burke counties as nonattainment. The excluded portions of the counties are in the foothills of the Blue Ridge mountains and are of a rural character with few emission sources. Our full analysis for these counties may be found in chapter 6 of the TSD.

Comment 1042:

Region: 4

State: NC

Area: Hickory-Morganton-Lenoir, NC; Haywood County, NC (Plott Balsam Mountains); Greensboro-Winston-Salem-High Point, NC

Comment: A commenter believes that the entire EAC areas should be designated as non-attainment. In many areas, this would simply involve designating the MSA, as presumed by EPA guidance. For example, Burke, Caldwell, Alexander, and Catawba counties area are all signatories to the Unifour EAC and parts of the Hickory-Morganton MSA, yet under North Carolina's proposal only part of each county is listed as a nonattainment area. Similarly, in the Triad EAC, which boasts 11 county signatories, Randolph and Davie Counties have only partial inclusion in the North Carolina's proposed boundaries. Non-MSA counties that should be designated in full by virtue of their participation in an EAC and the presence of a violating monitor within the county include Caswell, Haywood and Rockingham counties.

EPA Response: We believe that the same criteria should apply for purposes of designating all areas. At the time local areas entered into EAC compacts, neither the states nor EPA had evaluated what the boundaries of nonattainment areas should be. Thus, the Compacts do not necessarily reflect the areas that are violating the standard and the nearby areas contributing to those violations. Consistent with the process we have used for non-EAC areas, we have applied our March 2000 Guidance for purposes of drawing boundaries for EAC areas that will have a deferred effective date for a designation. Application of the Guidance will ensure that all necessary areas are included as part of the area and, if the EAC fails, the appropriate areas for purposes of planning will be designated nonattainment. We note that although the boundaries for some EAC areas may not precisely match the boundaries of the areas that signed the Compact, all Compact areas can remain as participants in the EAC process.

Comment 1076:

Region: 4

State: NC

Area: Raleigh-Durham-Chapel Hill, NC

Comment: A commenter believes that the proposed nonattainment designation for Nash and Edgecombe Counties is unfair because the monitoring station in Leggett, a small town near the center of Edgecombe County, is down wind of the Raleigh-Durham-Chapel-Hill Triangle area. The staff at the North Carolina Division of Air Quality advised the county staff that there is a direct correlation between high readings in the Triangle and high readings at the Leggett monitor. It is the commenter's understanding that the air monitoring station in Leggett was placed there 10 to 12 years ago to monitor the plume from the Triangle. The commenter believes the high readings are due to the Triangle and not Rocky Mount itself.

These comments are from Mayor Frederick E. Turnage of Rocky Mount to Elizabeth Dole, who directed them to EPA.

EPA Response: Unfortunately, citizens living and working in the Rocky Mount area are breathing unhealthy air due to elevated levels of ground-level ozone. The CAA defines a nonattainment area as an area that is violating the standard or is contributing to a violation of the standard in a nearby area. If an area is violating the standard or contributing to a violation, EPA is obligated to designate the area as nonattainment. The most recent 3 years of air quality monitoring data are used to determine the air quality. After determining air quality, we look for the area or areas that are contributing. We cannot rely on planned emission reduction programs even if those programs are expected to result in future attainment. Because of the regional nature of the ozone problem and because it is caused by numerous and diverse sources, we generally presume that the entire urbanized area is nonattainment if there is a monitor measuring ozone concentrations above the standard.

The Rocky Mount metropolitan area consists of Edgecombe and Nash Counties. Edgecombe County has a monitor that is violating the standard. Nash County is between two counties with unhealthy air that are also violating the standard. Nearby air quality upwind of Rocky Mount is also violating the standard. The State of North Carolina recommended only a small portion of Edgecombe County as a nonattainment area. However, EPA believes that the poor air quality extends throughout the counties.

Comment 206:

Region: 4

State: NC

Area: Raleigh-Durham-Chapel Hill, NC

Comment: A commenter states that the Triangle area contains six counties. Based on projected growth and emission reductions, North Carolina expects all of the monitors to attain by 2007. The eastern part of Johnston County is excluded because of its rural nature. The northern portions of Granville and Franklin Counties area were excluded because of the low emissions in these areas. The northern portion of Person County is excluded because the two major sources in

that area will be controlled under the NO_x SIP call and the Clean Smokestack Act.

EPA Response: Designations are based on current air quality, not on modeled future air quality for some future year such as 2007. EPA is designating as nonattainment the entire counties of Johnston, Franklin, Person, and Granville. We believe that the monitoring data in these counties, which indicates a violation of the standard, is representative of the air quality throughout the entire counties.

Comment 142:

Region: 4

State: NC

Area: Raleigh-Durham-Chapel Hill, NC

Comment: A commenter asserts that the entire Raleigh-Durham-Chapel Hill MSA should be designated nonattainment. The commenter states that all of Franklin, Johnston, Chatham, Granville, and Person Counties should be included in the nonattainment area.

EPA Response: EPA has designated the following full counties mentioned by the commenter as part of the Raleigh-Durham-Chapel Hill nonattainment area: Franklin, Johnston, Granville, and Person Counties. We included part of Chatham County in the nonattainment area. Chatham County has a monitor that is attaining the standard and we concluded based on our 11 factor analysis for the MSA, that only a part of the County was contributing to a nearby violation of the NAAQS. The 11 factor analysis is contained in chapter 6 of the TSD.

Comment 136:

Region: 4

State: NC

Area: Raleigh-Durham-Chapel Hill, NC; Rocky Mount, NC; Greensboro-Winston-Salem-High Point, NC; Hickory-Morganton-Lenoir, NC

Comment: A commenter asserts that EPA should follow its own guidance and designate the MSA, or county in non-MSA areas, surrounding violating monitors as the boundaries of nonattainment areas. North Carolina does not provide adequate justification for deviating from the presumptive boundaries established by EPA for designating full counties and MSAs. North Carolina has proposed many boundaries smaller than the EPA guidance-Edgecombe, Nash, Johnston, Randolph and Catawba Counties are cited.

EPA Response: The EPA's March 28, 2000, boundary guidance for designations provided 11 factors for a state to consider in their July 2003 recommendations. In EPA's December 3, 2003, letter to North Carolina, EPA indicated that these counties should be full counties, but invited the states to submit additional justifications, based on the 11 factors, to support their 10 original recommendations. Based on additional information from North Carolina, submitted in February 2004, EPA has made some adjustments from its original recommendations. However, EPA is

designating the whole counties as nonattainment for the specific counties the commenter mentioned: i.e., Edgecombe, Nash, Johnston, Randolph and Catawba Counties. We note that the commenter misinterprets EPA's Guidance as requiring that full MSAs or CMSAs be designated as nonattainment. Rather, the Guidance establishes the MSA or CMSA as the presumptive area, but EPA provides 11 factors that can be applied to justify a larger or smaller area.

Comment 207:

Region: 4

State: NC

Area: Rocky Mount, NC

Comment: A commenter recommends that in North Carolina, only the area immediately surrounding the nonattaining monitor (located in Leggett in Edgecombe County) be designated nonattainment and not the entire MSA due to transport from the larger Triangle MSA and mobile source emissions from the I-95 corridor which is in close proximity to the monitor.

EPA Response: EPA is designating all of Edgecomb County as nonattainment. We believe the violating monitor in that county is representative of air quality throughout the county. In addition EPA is designating the adjacent Nash county as nonattainment since it contains the urban core (city of Rocky Mount) of the MSA and lies between two counties which have violating monitors. Thus, we believe that it also has air quality violating the standard and is likely contributing to the violations at the monitor in Edgecomb. Nash County itself does not have a monitor.

Comment 143:

Region: 4

State: NC

Area: Rocky Mount, NC

Comment: A commenter asserts that North Carolina's designation of only the small area of the Rocky Mount MSA where the monitor happens to be located is arbitrary.

EPA Response: EPA has designated all of Edgecombe and Nash Counties as the Rocky Mount nonattainment area. Our analysis for this area is found in Chapter 6 of the TSD.

Comment 1043:

Region: 4

State: SC

Area:

Comment: A commenter believes that nonattainment areas should be set at the county or MSA level rather than broken down into smaller components.

EPA Response: As provided in our March 2000 Guidance, we generally agree that it makes sense to consider broader areas for purposes of ozone designations because of the regional nature

of the ozone problem. However, each area is unique and the states and EPA considered 11 factors in determining whether to modify the presumptive boundaries. Details for each area are provided in the technical justifications section of the TSD.

Comment 1072:

Region: 4

State: SC

Area:

Comment: A commenter asserts that York County should not be included in the nonattainment area surrounding Charlotte, NC.

1) Air quality measurements indicate that mobile emissions from commuters are not the main reason for Charlotte's nonattainment of the ozone standard. The one York County air quality sensor located near York, shows that York County is in compliance. Air quality sensors in the Arrowood section of Charlotte, which is near the York County, SC/Mecklenburg County, NC border, are in attainment for ozone. Air quality readings become significantly worse northeast of Charlotte, providing evidence that Charlotte has a much more significant impact on air quality than does York County.

2) York County has already committed to participation in the South Carolina EAC, and Charlotte's Sustainable Environment for Quality of Life (SEQL) project. These initiatives demonstrate that York County is already working hard to address air quality in its region without the need for a non-compliance designation.

EPA Response: EPA disagrees with the commenter to exclude all of York County from the Charlotte Nonattainment Area. EPA is designating the urban areas of York County, as defined by the Metropolitan Planning Organization (MPO) boundary, a part of the Charlotte nonattainment area. The justification for this action is provided in the Charlotte 11 Factors Analysis in Section 6 of the TSD.

Comment 155:

Region: 4

State: SC

Area:

Comment: A commenter asserts that South Carolina proposes to designate as nonattainment the small Due West area with only 4.6 square miles and 236 people. The entire county should be designated with the Greenville/Spartanburg/Anderson nonattainment area.

EPA Response: Based on monitoring data from 2001 - 2003, the Due West area (Abbeville County) is monitoring attainment. We are designating Abbeville County as attainment.

Comment 146:

Region: 4
State: SC
Area:

Comment: A commenter asserts that EPA should designate as nonattainment areas surrounding violating monitors plus nearby areas that contribute to violations of the 8-hour standard. This is in keeping with the CAA requirements and subsequent litigation.

EPA Response: EPA has designated as nonattainment all areas with monitored violations of the standard and all nearby areas that contribute to those violations. EPA completed an 11 factor analysis, in accordance with the March 23, 2000 boundary guidance, of all violating CMSAs in the Southeast, and the counties adjacent to those areas. Our final analysis for all areas is provided in the technical justification section of the docket.

Comment 147:

Region: 4
State: SC
Area:

Comment: A commenter asserts that EPA should follow its own guidance and designate the MSA, or county in non-MSA areas, surrounding violating monitors as the boundaries of nonattainment areas. Analysis of data provided by South Carolina provides minimal justification for its substantial departure from EPA's presumptive use of full counties and full MSAs.

EPA Response: The EPA completed an 11 factor analysis, in accordance with the March 2000, boundary guidance, of all violating CMSAs in the Southeast, and the counties adjacent to those areas. EPA's analysis supporting the final designations is provided in the technical justification section of the docket. We note that the commenter misrepresents EPA's Guidance. While we establish that the presumptive nonattainment area should be the larger of the C/MSA or the 1-hour nonattainment area, we recognize that boundaries may be larger or smaller and we provided the 11 factors for states and EPA to apply in determining appropriate boundaries.

Comment 149:

Region: 4
State: SC
Area:

Comment: A commenter asserts that South Carolina should have proposed areas that contribute to ambient air quality in a nearby area that does not meet the 8-hour standard. South Carolina does not provide any information about sources outside of counties with nonattaining monitors that contribute to nonattainment areas.

EPA Response: EPA completed an 11 factor analysis, in accordance with the March 2000 boundary guidance, of all violating CMSAs in the Southeast, and the counties adjacent to those

areas. EPA's analysis supporting the final designations is provided in the technical justification section of the docket.

Comment 151:

Region: 4

State: SC

Area:

Comment: A commenter asserts that South Carolina excludes significant portions of nonattainment counties in all of its designations. Proper application of the eleven factors would result in a significant expansion of the boundaries.

EPA Response: EPA has designated as nonattainment all areas with monitored violations of the standard and all nearby areas that contribute to those violations. EPA completed an 11 factor analysis, in accordance with the March 23, 2000, boundary guidance, of all violating CMSAs in the Southeast, and the counties adjacent to those areas. In some cases we agreed with the State's recommendations and in others we did not. Our final analysis for all areas is provided in the technical justification section of the docket.

Comment 1081:

Region: 4

State: SC

Area:

Comment: A commenter expressed concern and his belief that the EAC in the Greenville/Spartanburg/Anderson, South Carolina area has poor participation by voting members, unequal representation, no Roberts Rules of Order to address issues, inaccurate minutes, and short or no advanced notice of meetings. (ESTEC Enterprises, Inc, OAR-2003-0079-0106, p.10)

In another letter on the proposed EAC rule, the commenter asserts his opinion regarding the following procedural deficiencies for South Carolina's Appalachian-A EAC (ESTEC Enterprises, Inc, OAR-2003-0090):

1. The process is wrought with misleading statements in reporting. The minutes of meeting are biased and do not reflect actual happenings and points of view in meetings. During meetings attempts were made to limit free speech violating civil rights to free speech,
2. Public presentation has been censored both in presentation to the public and in the record,
3. An inconsistent process was used to decide upon ozone reduction strategies for submissions to the EPA. Subsequently, these submissions were altered, producing a potential fraudulent representation of these strategies and process to the EPA,
4. Lack of participation by Steering Committee members,
5. Lack of representation and lack of fair representation of public interest groups for the populous of the participating Counties in the Steering Committee that a) has no rules, procedures & guidelines written or otherwise, b)acts with impunity under the EPA EAC guidelines and local

- rules and c) acts with a whimsical nature in committees' procedure,
6. State officials at EAC committee meetings provided misleading statements along with other Steering Committee members about the legal process in the EAC and the process for the State Implementation Plan (SIP),
 7. South Carolina's Department of Health and Environmental Control (DHEC) voted to allow more emissions from industry in areas that are in "non-attainment" for the 8-hr ozone standard than would be allowed under the current provisions of the CAA,
 8. State officials discouraged voluntary programs a) that would reduce emissions at low-cost and b) that follow the current trend of the EPA promoting free market incentive to reduce emissions over command-and-control regulation, and
 9. State official, local officials, elected representatives and EAC committees voted against Environmental Justice considerations for reducing local air pollution while a) a disproportionate number of low income and minority residents in Greenville, Spartanburg and Anderson Counties are subject to hazardous air pollution, b) have no representation on the Steering Committee for the Counties and c) the State of SCDHEC voted for plans to implement regulations that would potentially produce more pollution in these same low income and minority residential communities.

According to the commenter, censorship has occurred in the EAC process in South Carolina's Appalachian I Region. Commenter firmly believes that censorship occurred to hide information that would effect the cost benefit analysis for South Carolina air quality regulations.

On August 21, 2003, the key information on a model that showed an emissions credits trading model that would produce low-cost and possibly free pollution control equipment for industries that emit ozone precursors that are volatile organic compounds (VOCs) in the presentation to the Staff Advisory committee meeting was removed by John Owings prior to a critical vote on competing views. Subsequently, the information re-appeared in the minutes of the meeting and was located in an appendix that contained the presentation.

After voting on strategies for the EAC for the Appalachian I Region, subsequent information was removed from Strategy 1 without any further voting, either by the steering committee or the staff advisory committee. This information also included modeling that would effect the cost/benefit analysis for South Carolina air quality regulations. In Attachment 3 of the Minutes for the August 21, 2003 Staff Advisory Committee Meeting, a key measure under consideration for reducing ozone for Strategy 1 that was agreed upon by both the Staff Advisory Committee and Steering Committee was subsequently removed without the normal vote and notification to the staff members. The key measure that was subsequently removed is located under the column entitled "Description of Measure" in Strategy 1. The key measure is:

"Arrange for modeling of NO_x and VOC effects on non-attainment in EAC compact areas from NO_x control and Best Available Control Technology (BACT) control"

Furthermore, according to the commenter, Steering Committee Members and a member of South Carolina's DHEC apparently made misleading statements regarding EAC Procedures, SIP

and the VOC-BACT regulation development process during the August Steering Committee Meeting. A Steering Committee meeting member and a DHEC official that has a key role in South Carolina's EAC made misleading statements that said that there was no reasonable time for a voluntary emission credits to be discussed for BACT regulation or enacted. Subsequent review of this regulatory process suggests otherwise. The steering and staff committee meetings were in August 2003 while the VOC BACT regulatory development process was ongoing and did not finalize the recommendations until November 2003. Therefore, 90 days were still left to address issues which would affect the cost /benefit analysis of REGULATIONS. The EPA and the public should note that SC's NO_x SIP Call regulations have both a regulatory approach and voluntary emission credits (allowance) trading program that was developed concurrently.

The EPA and the EPA EAC division should make keynote of the abuse that has occurred in the Cost/Benefit analysis by South Carolina and Appalachian Region 1.

The commenter provided remarks on Environmental Justice Issues in the South Carolina EAC for Appalachian Region:

On August 21, 2003, the Appalachian Region 1 Staff advisory committee, the Steering committee and SUBSEQUENTLY all three County Councils rejected addressing environmental justice issues in the Communities of Greenville, Anderson and Spartanburg Counties and in the State of South Carolina. The official representative of SCDHEC also voted against environmental justice issues during the meetings.

In August of 2003, the Greenville News reported that Greenville County had environmental justice irregularities; minorities and low-income families are 2.5 to 3 times more likely to be exposed to hazardous air pollutants.

In January of 2004, the State of SCDHEC elected control measures for industrial smokestacks that reduce ozone precursor emissions (notably VOCs) that are less stringent than guidelines for non-attainment status. Additionally, SCDHEC voted to not require emissions controls on new industries that could be located in these same unhealthy regions. These same regions would be in non-attainment under the CAA which could provide better protection to low-income and minority areas, but under the EPA EAC would be exempt from better protection against emissions and have stronger regulations for improving air quality.

Additionally, the Appalachian Region 1 has failed to adequately address programs that would provide school buses with clean-air technologies that could be acquired through the EPA clean school bus program. The Staff and Steering Committee leaders refused to address the possibility of using new hybrid-electric diesel engines that are manufactured in South Carolina for school buses.

Therefore, a reasonable person must question the actual effectiveness of the entire EAC program for improving air quality and protecting the health of low-income and minority neighborhoods compared to non-attainment status under the CAA, especially in the EAC program

in South Carolina and most especially the EAC programs in Appalachian Region 1; Greenville, Anderson and Spartanburg Counties. The facts against the EAC are plain and simple: The current Administration in the State of South Carolina and the Appalachian Region 1 Counties voted against addressing an unequal distribution of air quality to the detriment of low-income and minority neighborhoods, then subsequently chose not to protect these same neighborhoods from potentially having more ozone precursors and hazardous air pollutants from being emitted in or to these same low-income and minority areas.

In the EAC Appalachian Region 1, the voting record and method of vote were arbitrary, when voting occurred, if it occurred at all. Sometimes quorums were not present and voting continued, as the rules for voting changed with the current situation. Attendance by the Steering Committee members on the only two (2) voting-occasions did not have enough appointed members for a quorum to vote. And, the only January Staff Advisory Committee Meeting was canceled due to lack of interest.

EPA Response: The Appalachian EAC agreement dated June 2003 and December 2003 was signed by all local counties, EPA and South Carolina and submitted to EPA on December 30, 2002. We have examined the documents and they appear to be in order with appropriate stakeholder participation, as documented by their stakeholders' signatures, and without evidence of the irregularities described by the commenter.

Comment 99:

Region: 4

State: SC

Area: Aiken, SC

Comment: A commenter suggests that given that the 2003 ozone DV for the Jackson monitor (Aiken County) is now 0.080 ppm, the area should no longer appear as a recommended nonattainment area.

EPA Response: EPA agrees with the commenter and with the State recommendation. Based on monitoring data from 2001 - 2003 which meets the standard, EPA designates Aiken County as attainment.

Comment 152:

Region: 4

State: SC; GA

Area: Aiken, SC; Augusta, GA

Comment: A commenter asserts that the entire county of Aiken, as well as the four other Georgia and South Carolina counties, should be included in the Augusta/Aiken nonattainment area.

EPA Response: EPA disagrees with the commenter. Based on 2001 - 2003 air quality data, EPA is designating the Augusta / Aiken area as attainment.

Comment 97:

Region: 4

State: SC

Area: Aiken, SC; Florence, SC

Comment: A commenter asserts that the 2003 DVs for Aiken and Darlington County monitors are 0.080 and 0.082 ppm.

EPA Response: EPA concurs with the State's recommendation and based on 2001-03 data designates Aiken and Darlington Counties as attainment.

Comment 1049:

Region: 4

State: SC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter does not agree with EPA's decision to include York County, South Carolina as part of the City of Charlotte, North Carolina 8-hour ozone nonattainment area. The commenter believes that the facts do not justify the designation decision.

While the commenter understands that over 50,000 one-way trips are made to and from York County and Mecklenberg County (NC) each day, the commenter states that air quality measurements indicate that this traffic is not the main reason for Charlotte's nonattainment designation. The one York County air quality sensor, located near York, shows that York County's critical Nitrous Oxide and VOC levels are .083 parts per million; below the .085 parts per million threshold for non-compliance. Furthermore, air quality sensors in the Arrowood section of Charlotte, which is near the York County, SC / Mecklenburg County, NC border, are in attainment for ozone. Air quality readings become significantly worse northeast of Charlotte, providing evidence that Charlotte has a much more significant impact on air quality than does York County.

The commenter further states that York County has committed to participation in the South Carolina EAC and Charlotte's SEQL project. Through these voluntary organizations, York County has agreed to implement a one-cent sales tax on road projects, update the standards for new residential and commercial development, prohibit open burning on high ozone days, support the Rock Hill Express bus service, and promote the use of alternative fuels, carpools, and bicycle-friendly initiatives. These initiatives demonstrate that York County is already working hard to address air quality concerns in its region without the need for a non-compliance designation.

The commenter cites the negative impacts that a nonattainment designation will have on York County, including the hindrance to economic development and industrial investment, limits on future road construction projects, and the perception of York County having dirty air, which air quality sensors show is not the case, discouraging people from living in the County.

The commenter discusses language included in the 1990 CAA report language that states: "where the CMSA or MSA encompasses rural or even some suburban areas, such contributions may not contribute significantly to a violation and where this is so they should not be included. In these circumstances, improvement of control strategies may be more appropriate than expansion of the boundaries of the area." The commenter believes this may be an appropriate way to approach the situation in York County.

The commenter urges EPA to reexamine the data that placed York County into the Charlotte noncompliance area and consider removing the nonattainment designation for York County. If EPA cannot remove York County, the commenter asks EPA to consider only designating as nonattainment the pieces of the counties that are part of the "urbanized" metropolitan area (as EPA has done in the past). The commenter states that only the eastern parts of York County are part of urbanized Charlotte, and asks EPA to consider drawing the nonattainment boundary to encompass only these communities, and not the entire county.

The commenter asks for the opportunity to meet with EPA in person to discuss the above issues and concerns. A staff member from the commenter's office will follow-up to setup the meeting.

EPA Response: EPA disagrees with the commenter to exclude all of York County from the Charlotte Nonattainment Area. EPA is designating the urban areas of York County as nonattainment as defined by the MPO boundary. The justification for this action is further explained in the Charlotte 11 Factors Analysis in Section 6 of the TSD.

Comment 1050:

Region: 4

State: SC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: Several commenters oppose and vigorously protest EPA's proposal that York County, South Carolina be included in the 8-hour ozone non-attainment area surrounding Charlotte, North Carolina.

Several commenters feel that this action was instigated by the City of Charlotte, North Carolina. Charlotte reviewed the nonattainment boundaries proposed by the North Carolina Division of Air Quality and took exception with the state agency's decision not to include York County within those boundaries. The commenters cite that the Mayor of Charlotte wrote the Governor of North Carolina on May 30, 2003, and explained that "excluding York County from non-attainment designation will negatively impact our ability to competitively attract and retain new economic development in Charlotte-Mecklenburg..." The commenters feel that this and the fact that York County, SCDHEC is part of the Charlotte-Mecklenburg MSA (MSA) are the only reasons Charlotte cites for the proposed boundaries.

Several commenters note that York County's status came under similar scrutiny when the

CAA Amendments passed Congress in 1990. At that time, EPA decided that York County would not be designated a non-attainment area, but it was understood that the SCDHEC and EPA would develop over time an enhanced inspection and maintenance plan to check vehicles in York County for exhaust emissions.

The commenters state that the SCDHEC, with EPA support and concurrence, has developed an EAC for York, Chester, Lancaster, and Union, all of which are counties in the Charlotte region. The EAC was developed to facilitate emission reductions and speed up attainment of the 8-hour ozone standard. EPA Region 4 approved this compact by letter to SCDHEC dated December 31, 2002. EPA recognized that "early actions taken in South Carolina will be important to the success of the Charlotte Region Integrated Air Quality Pilot Project. Therefore, in addition to the milestones for identifying and adopting early control measures established in this EAC, one of our further requirements in accepting the compact is that South Carolina will continue to actively participate in the Charlotte Project and will agree to implement appropriate controls needed for attainment in the Charlotte area, even if they are beyond the controls developed in the compact." The commenters note that SCDHEC met this condition by entering into a MOU (MOU) with the North Carolina Department of Environment and Natural Resources (NCDENR) on March 14, 2003.

Several commenters discuss language included in the 1990 CAA Amendments that states: "where an CMSA or MSA encompasses rural or even some suburban areas, such contributions may not contribute significantly to a violation and where this is so they should not be included. In these circumstances, improvement of control strategies may be more appropriate than expansion of the boundaries of the area." The commenters believe that the EAC and MOU with North Carolina are much better "control strategies" than arbitrarily lumping York County into the Charlotte-Mecklenburg non-attainment zone.

Several commenters reiterate that York County should not be included in the Charlotte non-attainment area now, as in 1990-91, first, because York County is in compliance, and second, because York County and SCDHEC are taking steps toward early and affirmative action on identified air pollution problems.

Several commenters note that there is commuting between York County and Mecklenburg County, but air quality measurements indicate that this traffic is not the main reason for Charlotte's non-attainment. The one York County air quality sensor, located near York, shows that York County's 8-hour ozone levels are .083 parts per million; still below the .085 parts per million threshold for non-compliance. Furthermore, air quality sensors in the Arrowood section of Charlotte, a large industrial park near the border between York and Mecklenburg, are meeting the ozone standard. Air quality readings become significantly worse northeast of Charlotte, indicating that Charlotte is the dominant cause of its own air quality problems. The City of Charlotte does not argue otherwise.

Charlotte primarily seeks to include York County so that York County will not gain an unfair competitive advantage in soliciting new industry. The commenters think that Charlotte's

concerns are unfounded; but in any event, they are not grounds for penalizing York County under the CAA when York County is in compliance.

The commenters ask for the opportunity to meet with EPA in person to discuss the above issues and concerns.

EPA Response: EPA disagrees with the commenter to exclude all of York County from the Charlotte Nonattainment Area. EPA is designating the urban areas of York County as nonattainment as defined by the MPO boundary. The justification for this action is further explained in the Charlotte 11 Factors Analysis in Section 6 of the TSD.

Comment 1062:

Region: 4

State: SC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: Numerous commenters oppose and vigorously protest the inclusion of York County, South Carolina in the Charlotte-Mecklenburg MSA. They feel that York County is included only due to reasons of potential economic impact to Charlotte and the fact that York County is part of the Charlotte-Mecklenburg MSA.

Commenters note the SCDHEC, with EPA Region IV involvement, examined vehicle inspection and maintenance plans in various parts of the country and concluded that the expected benefits were not being realized and did not warrant the costs. EPA has finalized the new formula for gasoline which is to be on the market in York County by 2007. Cleaner cars are being introduced into the area today. DHEC believes that the cleaner cars, trucks, and fuels will cut NOx emissions in York County by 50%.

To facilitate emissions reductions and speed up attainment of the 8-hour ozone standard, SC DHEC, with EPA support and concurrence, has developed an EAC for York, Chester, Lancaster, and Union, all counties within the Charlotte region. SC DHEC also entered into a MOU with the NCDENREnvironment and Natural Resources on March 14, 2003, in which SC DHEC agreed to “require and/or implement the controls...found necessary to address Charlotte MSA nonattainment.” The commenters believe that the EAC and MOU with North Carolina are much better “control strategies” than arbitrarily lumping York County into the Charlotte-Mecklenburg nonattainment area.

Air measurements suggest that commuting traffic between York County and Mecklenburg County is not the main reason for Charlotte’s nonattainment. The one York county air quality monitor shows that York County’s 8-hour ozone level is 0.83 ppm, still below the 0.85 ppm threshold for non-compliance. Furthermore, air quality sensors in the Arrowood section of Charlotte, a large industrial park near the border between York and Mecklenburg, are meeting the ozone standard. Air quality is significantly worse northeast of Charlotte, indicating that Charlotte is the dominant cause of its own air quality problems.

EPA Response: EPA disagrees with the commenter to exclude all of York County from the Charlotte Nonattainment Area. EPA is designating the urban areas of York County, as defined by the MPO boundary, as part of the Charlotte nonattainment area. The justification for this action is provided in the Charlotte 11 Factors Analysis in Section 6 of the TSD. EPA notes that economic impact is not one of the 11 factors it considers in making designation determinations.

Comment 1025:

Region: 4

State: SC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter disagrees with EPA's intention to include York County in the Charlotte-Gastonia-Rock Hill MSA nonattainment area. DHEC believes that their recommendation to exclude York County is technically sound based on the following:

- 1) DHEC states that the CAA's requirement for MSA or CMSAs as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal concerning the implementation of the 8-hour ozone NAAQS, this area would be a moderate, not serious, nonattainment area. Designation would bind York County to an extended attainment date and a significantly higher DV, regardless of the fact that York County is in attainment.
- 2) South Carolina passed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground level ozone. Additionally, DHEC has entered into a specific MOU with North Carolina's Department of Environment and Natural Resources confirming the agreements reached between the two agencies with regard to ozone attainment matters, an EAC for counties in South Carolina (including York) and in the locally led Sustainable Environment and Quality of Life (SEQL) effort for the Charlotte area.
- 3) South Carolina has statutory authority to require controls on sources regardless of location.
- 4) Preliminary results from EPA modeling show that all areas of South Carolina will attain the 8-hour ozone NAAQS by 2007 with the reductions attributed to the NOx SIP call and the Tier 2/low sulfur fuel regulations.
- 5) Based on the 2001-2003 quality assured data, the monitor in York County is attaining the 8-hour NAAQS and experienced no exceedances in 2003.
- 6) York County has a population of 164,614 (based on 2000 census data) which is only 10.98% of the population of the Charlotte MSA.
- 7) York County comprises 15% of the MSA NOx point source emissions. York County contributes 13.31% and 19.57% of the MSA daily NOx and VOC area source emissions, respectively. York County contributed only 11.53% of the MSA mobile source NOx emissions

and 10.54% of the MSA mobile source VOC emissions.

8) York County accounts for 10.57% of the working population in the MSA. Workers living in York County and commuting to other counties in the MSA account for only 3.86% of the entire worker flow.

EPA Response: EPA disagrees with the commenter to exclude all of York County from the Charlotte Nonattainment Area. EPA is designating the urban areas of York County as nonattainment as defined by the MPO boundary. The justification for this action is further explained in the 11 factor analysis in Section 6 of the TSD.

Comment 1048:

Region: 4

State: SC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter strongly agrees that

(1) York County, South Carolina should be considered in attainment with the eight-hour ozone standard. Although SOUTH CAROLINA DHEC (South Carolina Department of Health and Environmental Control), South Carolina Governor Sanford, and EPA Region IV supported York County being designated as in attainment, EPA's initial letter on December 3, 2003 addressed to Lewis Shaw, SOUTH CAROLINA DHEC designated York County as non-attainment for the eight-hour ozone standard. The commenter states that the York County monitor has shown attainment with the eight-hour standard for the past four years.

2) The commenter is supportive of the EAC rule and urges EPA to finalize the rule as soon as possible. The commenter states that an EAC covers York County, South Carolina.

3) The commenter further states that the ozone EACs in South Carolina will result in lower ozone emissions and according to SOUTH CAROLINA DHEC models are expected to bring the entire state into compliance with the eight-hour ozone standard.

4) The commenter concludes by stating that the designation of York County, South Carolina as non-attainment for the eight-hour ozone standard will unfairly burden existing industry and hinder economic development.

EPA Response: EPA disagrees with the commenter to exclude all of York County from the Charlotte Nonattainment Area. EPA is designating the urban areas of York County as nonattainment as defined by the MPO boundary. The justification for this action is further explained in the Charlotte 11 Factors Analysis in Section 6 of the TSD.

Comment 1059:

Region: 4

State: SC

Area: Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter states that the Department provides in their letter to EPA dated February 20, 2004 "compelling" evidence as to why the Department believes that York County should be designated attainment for the 8-hour ozone standard. The commenter's EAC-related information for York County, South Carolina (Appalachian - A EAC) from the February 20, 2004 letter follows:

1) Based on South Carolina's commitment to "Cleaner Air Sooner," a designation of attainment for York County is appropriate. The South Carolina General Assembly passed and our Governor signed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground-level ozone. At the end of 2002, 45 of South Carolina's 46 counties entered into EACs to implement ozone reduction strategies earlier than federally required. These counties, along with other government entities, industry, environmental groups, and other stakeholders have worked together both at the local level and state level to develop strategies to reduce ozone pollution. The few counties that have been identified by EPA as potential nonattainment areas are actively participating in the EAC process and are developing local plans to bring cleaner air sooner to their citizens. Most importantly to our future air quality, the 45 counties continue to embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn. Additionally, the Department entered into a specific MOU with North Carolina's Department of Environment and Natural Resources confirming the agreements reached between the two agencies with regard to ozone attainment matters, an EAC for counties in South Carolina (including York) and in the locally led Sustainable Environment and Quality of Life (SEQL) effort for the Charlotte, NC area. These efforts demonstrate a commitment by all involved to protect and improve air quality for the public.

2) Through its participation with the EAC, York County is exploring not only countywide local control strategies to be implemented no later than April 2005, but also strategies that will cross county and state lines. These strategies include local option sales tax for road improvements; express bus service during peak hours to Charlotte; updating zoning regulations to address sidewalks and left-hand turn lanes in developments; prohibition on open burning during high ozone days; and a SEQL resolution. A complete listing of the emission reduction strategies for York County was submitted to EPA in December 2003. This list will be updated in March 2004 upon submittal of the final York County Early Action Plan.

3) The SEQL project calls upon government, business and community leaders from North and South Carolina to address environmental issues that impact the quality of life and economic viability of the Charlotte-metro area. SEQL invites leaders from 15 counties to work together on air quality, water quality, and sustainable growth issues. The program supports the region's efforts to develop integrated and long-term solutions to ensure economic development and a positive quality of life for its future. The project area includes fifteen counties populated by 2.1 million people and encompasses over 100 political jurisdictions. SEQL is funded by an EPA grant and led

by the Centralina Council of Governments and the Catawba Regional Council of Governments.

4) For participation in the 8-hour ozone early action process, EPA required that North Carolina and South Carolina develop a specific MOU (MOU) confirming the agreements reached between the two agencies with regard to ozone attainment matters, an EAC for counties in South Carolina (including York) and SEQL. This MOU, signed by the Department of Health and Environmental Control and the NCDENR, became effective on March 14, 2003. Additionally, the Department entered into a specific MOU with North Carolina's Department of Environment and Natural Resources confirming the agreements reached between the two agencies with regard to ozone attainment matters, an EAC for counties in South Carolina (including York) and in the locally led Sustainable Environment and Quality of Life (SEQL) effort for the Charlotte, NC area. These efforts demonstrate a commitment by all involved to protect and improve air quality for the public. Furthermore, the MOU states that with respect to EACs, both departments support the delivery of cleaner air sooner and agree to collectively and cooperatively seek additional support at appropriate federal, state and local levels for this proactive approach.

5) The EAC option requires an expeditious time line for achieving emissions reductions sooner than expected under the 8-hour ozone implementation rulemaking, while providing "fail-safe" provisions for the area to revert to the traditional SIP process if specific milestones are not met. Forty-five of South Carolina's forty-six counties have entered into EACs. This action indicates that the local governments in the State of South Carolina are very concerned with air quality. Many of the counties entering into the EACs do not have problems meeting the air quality standard and yet are still willing to plan and work with other areas to implement controls to ensure early attainment of the standards. Interested stakeholders (i.e., local, State, and Federal government, citizens, public interest groups, and the business community) have been and will continue to be involved in the planning. By signing the EAC, EPA is agreeing to defer the effective date of the nonattainment designation for participating areas. However, areas that enter into an EAC but do not meet all of the terms of the EAC, including established milestones, will forfeit participation and be designated according to requirements within EPA's 8-hour ozone implementation rule. At a minimum, those requirements will include Transportation Conformity and nonattainment MOU. Local areas are required to develop and implement a local early action plan that will promote the area's attainment by December 31, 2007, and maintenance of the standard until at least 2012. The local area must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. The final local plan is due to the Department in March 2004.

6) The Department is required to develop and implement a State early action SIP demonstrating the participating area's attainment by December 31, 2007, and maintenance until at least 2012. The Department is currently evaluating the possibility of projecting out to 2017 to evaluate the air quality ten years after the "attainment" date. The SIP is due to EPA by December 31, 2004. The State must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. Potential control strategies were identified to EPA on June 16, 2003. Final strategies are to be implemented no later than April 1, 2005. If the monitors in the nonattainment areas reflect attainment by December 31, 2007, the area will be designated as attainment and no additional

requirements will be imposed (i.e., Transportation Conformity and nonattainment MOU).

7) Additional Information submitted by SC DHEC:

Based on South Carolina's commitment to "Cleaner Air Sooner," a designation of attainment for York County is appropriate. The South Carolina General Assembly passed, and our Governor signed, a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground-level ozone. At

the end of 2002, 45 of South Carolina's 46 counties entered into EACs to implement ozone reduction strategies earlier than federally required. These counties, along with other government

entities, industry, environmental groups, and other stakeholders have worked together both at the local

level and state level to develop strategies to reduce ozone pollution. The few counties that have been

identified by EPA as potential nonattainment areas are actively participating in the EAC process and are developing local plans to bring cleaner air sooner to their citizens. Most importantly to

our future air quality, the 45 counties continue to embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn.

Additionally, the Department entered into a specific MOU with North Carolina's Department of Environment and Natural Resources confirming the agreements reached between the two agencies with regard to ozone attainment matters, an EAC for counties in South Carolina (including York) and in the locally led Sustainable Environment and Quality of Life (SEQL) effort for the Charlotte, NC area. These efforts demonstrate a commitment by all involved to protect and improve air quality for the public.

Based on state and EPA modeling, a designation of attainment for York County is appropriate.

Preliminary results show that all areas of South Carolina will attain the 8-hour ozone standard by 2007

with the reductions attributed to the NO_x SIP Call and the Tier 2/Low Sulfur Fuel regulations.

Additionally, a modeling analysis for the year 2012 demonstrates attainment as well. The results of this

modeling verify the regional modeling completed by EPA, which also demonstrated attainment for all

South Carolina areas with implementation of the above programs.

Based on the 2001-2003 quality assured data, a designation of attainment for York County is

appropriate. The monitor in York County is attaining the 8-hour standard with a DV (DV) of 0.083 ppm. York County experienced no exceedances of the standard value (0.085 ppm or higher) in

2003. The monitors in York, as well as the monitors in Union (SC), Cherokee (SC), Chester (SC), and Arrowood (Mecklenburg County, NC), all attain the standard. Furthermore, these surrounding monitors bound York County. By defaulting to the MSA/CMSA presumptive boundary EPA may actually skew the population information when comparing to actual air quality monitoring results. By designating York County as nonattainment, the citizens would be told that their air quality does not meet the standard when the monitoring data confirms that it does.

Based on low population and low population density, a designation of attainment for York County is appropriate. In 2000, York County had a population of 164,614, which accounted for only 10.98 percent of the MSA population. York County's population is significantly lower than the adjacent MSA counties of Gaston and Mecklenburg, North Carolina. Gaston County had a population of 190,365 and Mecklenburg County had a population of 695,454. At 241.37 persons per square mile, York County had the fifth lowest population density in the MSA.

Based on the lower MSA point source emissions, a designation of attainment for York County is appropriate. York County comprises 15 percent of the MSA NOX point source emissions.

Based on the lower MSA area source emissions, a designation of attainment for York County is appropriate. York County comprised only 13.31 and 19.57 percent of the MSA daily NOX and VOC area source emissions, respectively.

Based on the lower MSA mobile source emissions, a designation of attainment for York County is appropriate. York County contributed only 11.53 percent of the MSA mobile source NOX emissions and 10.54 percent of the MSA mobile source VOC emissions.

Based on commuter flow in York County, a designation of attainment for York County is appropriate. According to the U.S. Census Bureau 78.13 percent of workers in the MSA, work in the same county they live in. York County accounts for 10.57 percent of the working population in the MSA, workers living in York and commuting to other counties in the MSA accounts for only 3.86 percent of the entire MSA worker flow.

Supporting Documentation for York County, South Carolina Attainment Area

A. Emissions and Air Quality in Adjacent Areas (Including Adjacent MSAs)

To evaluate the emissions in York County and adjacent areas, South Carolina utilized the estimated annual 1999 oxides of nitrogen (NOX) and VOC emissions. The types of NOX and VOC emission sources that were evaluated include point, area, and on-road and off-road mobile sources.

The Department currently has one ozone-monitoring site in York County; the monitor indicates attainment of the air quality standard. York County is part of the Charlotte-Gastonia -Rock Hill MSA.

B. Population Density and Degree of Urbanization Including Commercial Development (Significant Difference from Surrounding Areas)

In 2000, York County had a population of 164,614, which accounted for 10.98% of the total MSA population (1,499,293). The more populated counties of Gaston (NC) and Mecklenburg (NC) accounted for 12.70% and 46.39% of the MSA population, respectively. Even though four counties were less populated than York County, the counties of Cabarrus, Rowan, and Union, North Carolina, still contained a substantial portion of the MSA population: 8.74%, 8.69%, and 8.25%, respectively.

Containing 682 square miles, York County is the largest county in the MSA. In fact, 20.21% of the total MSA land area is in York County. In other words, over one-fifth of the MSA land area is contained in York County, yet only a little more than one-tenth of the MSA population (10.98%) lived in York County in 2000. In contrast, Gaston County contained 10.55% of the land area but 12.70% of the MSA population and Mecklenburg contained 15.59% of the land area but 46.39% of the MSA population. York County's population density also distinguishes it from the other MSA counties. A population density of 241.37 persons per square mile, York was the third least densely populated county in the MSA. The three most densely populated MSA counties are Cabarrus, Gaston, and Mecklenburg. With population densities of 360.06, 534.73, and 1,322.16, respectively, Cabarrus, Gaston, and Mecklenburg Counties are about 1.5, 2, and 5.5, respectively, times more densely populated than York County.

The commenter submitted information on the number of employees per county, based on data taken from the Census 2000 and using the North American Industry Classification System (NAICS) for year 2001. In 2001 the number of employees working in the seven MSA counties totaled 803,742. Only 7%, or 52,745, of the total employees in the MSA worked in York County. Furthermore, adjacent Mecklenburg County contained roughly 10 times more employees (534,526) than York County.

The commenter also presented the number of MSA employees per classification for 2001, based on the NAICS Industry Code Description. For example, the Accommodation & Food Services classification in 2001 accounted for 7.25% of the employees in the MSA, and 62.84% of those employees worked in Mecklenburg County while 9.07% of those employees worked in York County. The largest three employment classifications in the MSA were in manufacturing (14.32%), retail trade (10.70%), and Finance and Insurance (10.17%); of those classifications York County employed only 10.86%, 8.92%, and 1.85%, respectively. In fact, Mecklenburg County employed the vast majority of employees in the Finance and Insurance classification. Moreover, York County employed less than 10.0% of the employees in each industry code description, excluding Manufacturing (10.86% of the employees).

C. Monitoring Data Representing Ozone Concentrations in Local Areas and Larger Areas (urban or regional scale)

York is surrounded by attaining monitors in Chester, Union, and Cherokee Counties in South Carolina and by the Arrowood monitor in North Carolina. With the exception of 2002, York County experienced no exceedances of the eight-hour ozone standard value of 0.085 ppm. Wind analyses (see figure C-1) on high ozone days in York County indicate that the winds are more likely to be from the northeast from 1:00am to 6:00pm. In contrast, wind analyses (see figure C-2) on high ozone days in Mecklenburg County indicate the winds are out of the northwest in the morning hours, and the winds are out of the southeast, southwest, and northeast during the afternoon hours. For all wind analyses of high ozone days, the percentage of calm or variable winds range from 40-50 percent meaning that the majority of the time there is very little transport of pollutants across counties. The York County ozone monitoring station (York CMS 45-091-0006) is located off US Highway 321. The site has been in operation since 1993. Ozone concentrations are measured from mid-March through mid-November. The area surrounding the monitoring site is agricultural and it is located approximately 222 meters above sea level. According to the South Carolina Department of Transportation (SCDOT) traffic count for 1993, one thousand (1,000) vehicles per day accessed the road next to the monitor. The monitoring objective for the York County site is to measure extreme downwind ozone concentrations relative to the Charlotte Area, particularly when the predominate winds are out of the northeast. The Cherokee County ozone monitoring station (Cowpens National Battle Ground 045-021-0002) is located off Highway 11. The site has been in operation since 1988 and measurement of ozone concentrations has run continuously since April of that year. The area surrounding the monitoring site is forest and it is located approximately 296 meters above sea level. According to SCDOT traffic count for 1993, one thousand (1,000) vehicles per day accessed the road. The monitoring objective for Cowpens National Battle Ground is to measure concentrations for upwind background.

The Chester County ozone monitoring station (Chester 045-023-0002) is located off Highway 909. The site has been in operation since 1980 and measurement of ozone concentrations are measured from mid-March through mid-November. The area surrounding the monitoring site is rural and it is located approximately 201 meters above sea level. According to SCDOT traffic count for 1992, one thousand (1,000) vehicles per day accessed the road. The monitoring objective for Chester is to measure concentrations for general background.

The Union County (SC) ozone monitoring station (Delta 45-087-0001) is located off Highway 121. The site has been in operation since 1983 but the ozone monitoring station only runs mid-March through mid-November. The area surrounding the monitoring site is rural, and is located approximately 113 meters above sea level. According to SCDOT traffic count for the year 1993, twenty-five (25) vehicles per day accessed the road. The monitoring objective for the Delta site is to measure ozone concentrations for general background.

The Mecklenburg County ozone monitoring station (Arrowood 037-119-1005), operated by the DENR, is located off of I-77. The site has been in operation since 1977 and measurement

of ozone concentrations are measured from April 1 through October 31 of each year. The area surrounding the monitoring site is industrial and is located approximately 195 meters above sea level. This data was obtained from the NORTH CAROLINA DENR website, and the monitoring objective was not identified.

The Union County (NC) ozone monitoring station (Monroe 037-179-0003), operated by the NORTH CAROLINA DENR, is located in the town of Monroe. The site has been in operation since 1999 and measurement of ozone concentrations are measured from April 1 through October 31 of each year. The area surrounding the monitoring site is suburban and is located approximately 200 meters above sea level. The monitoring objective for the Monroe monitoring site is population exposure. This data was obtained from the NORTH CAROLINA DENR website.

The 2003 DVs for the York CMS, Chester, Delta, Cowpens National Battle Ground, and Arrowood monitors indicate attainment with the 8-hour ozone standard.

The commenter presented the wind roses generated from meteorological data at the York and Mecklenburg County airports on days with peak 8-hour ozone readings greater than 0.084ppm. On high ozone days in York County, the winds tend to be from the northeast with 43% of the observations having calm or variable winds. On high ozone days in Mecklenburg County, NC, the winds tend to be from the northwest in the early morning hours, and then switch over to a north, northeast, or southwest direction.

Approximately 51% of the observations in Mecklenburg County had calm or variable winds. The high number of calm or variable winds lends evidence to the fact there is very little transport of pollutants across Mecklenburg. The majority of the time the winds were light and in essence, the counties are being affected by emissions within the county lines.

D. Location of Emission Sources

The commenter presented a list of the NOX point sources that are in operation in York County based on the 1999 NOX point sources emissions inventory, which is routinely submitted to the National Emissions Inventory database. York County has 24 NOX point sources in operation and 24 VOC point sources in operation.

E. Traffic and Commuting Patterns

Traffic counts indicate that heaviest traffic in the area occurs on the north side of I-485 in Mecklenburg County. The traffic counts out of South Carolina drop just after the I-77/I-485 interchange, with the majority of the traffic appearing to head away from the Arrowood monitor into Mecklenburg County. This change of traffic counts at the junction of I-77/I-485 suggests that some York County commuters may not be working exclusively in the urban center of Mecklenburg County.

F. Expected Growth (Including Extent, Pattern, and Rate of Growth)

Limited data is available in assessing expected growth for York County and the counties surrounding it. Conclusions were drawn based on historical data from 1990, current data from 2000, and population projections for 2020. The data were taken from the Census and the respective state's demographic websites. Economic growth, relative to population growth, is even harder to predict. No knowledge of major economic expansions is available. While it is certain that population counts will grow, it is only assumed that current economic factors will remain stable or that some economic growth will occur.

In 2000, the population of York County was 164,614, which accounted for 10.98% of the total MSA population (1,499,293). The projected population for York County for the year 2020 is 211,500, or 9.56% of the total MSA projected population (2,213,425). While York County's growth from 2000 to 2020 represents a county-wide increase of 28.48%, York County's population growth relative to the MSA is a slight decrease (10.98% to 9.5%).

H. Geography / Topography

The topography of South Carolina is divided into two distinct areas, commonly known as the Piedmont and the Coastal Plain. York County is located in the Piedmont Area. The line of demarcation runs from the eastern boundary of Aiken County through central Chesterfield County to the North Carolina border. Along this line elevations begin at about 300 feet and increase in steps to over 1,000 feet in the extreme northwestern counties, culminating in isolated peaks of 2,000 to over 3,500 feet above mean sea level. East of the line, there are evidences of outcroppings from the lower Appalachians in a ridge of low hills and rather broken country between the Congaree River and the north fork of the Edisto River, and also in a rather hilly and rolling region in the upper Lynches River drainage basin between the Catawba-Wateree and the Great Pee Dee Rivers. In about one-third of the coastal plain (or what is commonly known as the upper coastal plain), the elevations decrease rather abruptly from 300 to 100 feet, thence to the coast. The major part of the coastal area is not over 60 feet above mean sea level. In this region of lower levels, to the eastward and southward, the great swamp systems of the State predominate. The slope of the land from the mountains seaward is toward the southeast, and all of South Carolina's streams naturally follow that general direction to the Atlantic Ocean. The South Piedmont section of the State is on the eastern slope of the Appalachian Mountains with the main ridge of the mountains about 30 miles west. To some extent these mountains act as a barrier for the wind and tend to protect the area from the full force of the cold air masses during the winter months. The relatively flat areas of the Central Plains and the coastal region allow free air movement and are conducive to effective dispersion of pollutants.

I. Jurisdictional boundaries

The Department is proposing that York County be designated attainment for ozone.

J. Level of Control of Emission Sources

Through its participation with the EAC, York County is exploring not only

countywide local control strategies to be implemented no later than April 2005, but also strategies that will cross county and state lines. These strategies include local option sales tax for road improvements; express bus service during peak hours to Charlotte; updating zoning regulations to address sidewalks and left-hand turn lanes in developments; prohibition on open burning during high ozone days; and SEQL) resolution. A complete listing of the emission reduction strategies for York County was submitted to EPA in December 2003. This list will be updated in March 2004 upon submittal of the final York County Early Action Plan.

The SEQL) project calls upon government, business and community leaders from North and South Carolina to address environmental issues that impact the quality of life and economic viability of the Charlotte-metro area. SEQL invites leaders from 15 counties to work together on air quality, water quality, and sustainable growth issues. The program supports the region's efforts to develop integrated and long-term solutions to ensure economic development and a positive quality of life for its future. The project area includes fifteen counties populated by 2.1 million people and encompasses over 100 political jurisdictions..

For participation in the 8-hour ozone early action process, EPA required that North Carolina and South Carolina develop a specific MOU (MOU) confirming the agreements reached between the two agencies with regard to ozone attainment matters, an EAC for counties in South Carolina (including York) and SEQL.

Additional Technical Information

A study conducted by Texas A&M; University¹¹ in 2001 looked at congestion in several cities across the United States. One of the supplements for this report was on Charlotte, NC¹². In this study, they found that PM peak conditions (defined as 4:00pm to 7:00pm) were significantly more congested and less reliable than in the morning (defined as 6:00am to 9:00am)

These "peak times" became the basis for a statistical analysis of the ozone concentrations in the Charlotte-Gastonia-Rock Hill MSA. The purpose of the analysis was to see if there were any links between commuter peaks and elevated ozone concentrations. Ozone typically peaks around 4:00pm which coincides with the PM peak that was referenced above.

From 2001 to 2003, the number of monitors that the York monitor strongly correlates (defined as a correlational coefficient greater than or equal to 0.08) within the MSA increases as the number of hits for the year increases. For example, in 2001, the York monitor experienced no hits, and was strongly correlated with the Garinger monitor in Charlotte. However, in 2002, the York monitor had 15 hits, and was strongly correlated with all of the other monitors in the MSA. This lends strong evidence that York County emissions do not normally affect the ozone monitors in the North Carolina portion of the Charlotte-Gastonia -Rock Hill MSA. If York County emissions were affecting Mecklenburg County monitors, then we would expect all monitors to correlate on a regular basis. However, they all correlate in 2002, suggesting that the events that transpired that year were most likely due to adverse meteorological conditions rather than significant contribution of pollutants from York County.

EPA Response: EPA disagrees with the commenter that all of York County should be excluded from the Charlotte Nonattainment Area. EPA is designating the urban areas of York County, as defined by the MPO boundary, as part of the Charlotte nonattainment area. The justification for this action is further explained in the Charlotte 11 Factors Analysis in Section 6 of the TSD.

Comment 154:

Region: 4

State: SC

Area: Columbia, SC

Comment: A commenter asserts that all of Richland and Lexington counties should be included in the Columbia nonattainment area.

EPA Response: EPA disagrees with the commenter. Lexington does not have a monitor and Richland has two monitors, one violating and one that is not. We agree with the state request for partial county nonattainment areas. Based on our analysis, we believe that only portions Lexington and Richmond Counties should be designated as part of the Columbia Nonattainment Area. Our technical justification is available in the Columbia 11 Factor Analysis in section 6 of the TSD.

Comment 1024:

Region: 4

State: SC

Area: Columbia, SC

Comment: A commenter disagrees with EPA's intended designation that the entire Columbia MSA, which is based on the 1990 MSA definition, should be designated nonattainment. This MSA contains two counties- Lexington and Richland counties. DHEC believes that only combined portions of the two counties should be designated nonattainment. DHEC believes that their recommendation is technically sound based on the following:

- 1) DHEC concludes that the comparative land areas and populations versus Atlanta demonstrate a severe inequity in setting boundaries based on EPA's presumptive boundary guidance.
- 2) DHEC states that the CAA's requirement for MSA or CMSAs as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal concerning the implementation of the 8-hour ozone NAAQS, this area would be a marginal, not serious, nonattainment area.
- 3) The boundary recommended by DHEC captures 92.14% of the population within a land area measuring 995.8 square miles.
- 4) DHEC notes that the recommended boundary captures 91.04% of the manufacturing employees and 92.53% of the manufacturing establishments.

5) Based on the 2001-2003 quality assured data, portions of Lexington and Richland counties not included in the boundary are in attainment. In addition, the Eastern Aiken County monitor indicated attainment from 2000 to 2002.

6) The Lexington County portion of the recommended Columbia nonattainment area accounts for 99.7% of the NOx point source emissions and 97.9% of the VOC point source emissions respectively. The Richland County portion of the recommended Columbia MSA accounts for 2% of the NOx point source emissions and 84.9% of the VOC point source emissions. One of the two major sources of NOx in Richland County that are outside the boundary has installed pollution abatement equipment that will significantly reduce NOx emissions and the other is subject to the NOx SIP call. DHEC notes that it has authority to require further controls if necessary to reach attainment in the Columbia nonattainment area.

7) The recommended boundary captures 91% of the daily VMT in the two counties and it is estimated that in 2025 the boundary will capture 93% of the daily VMT.

8) Only 17.61% of workers living in Lexington County and 7.51% of the workers in Richland County commute to other counties in the state.

9) South Carolina passed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground level ozone.

10) South Carolina has statutory authority to require controls on sources regardless of location.

11) Preliminary results from EPA modeling show that all areas of South Carolina will attain the 8-hour ozone NAAQS by 2007 with the reductions attributed to the NOx SIP call and the Tier 2/low sulfur fuel regulations.

12) The Columbia Area Transportation Study (COATS) performs transportation planning specific to Greenville County. This Department has a regional environmental office located in Richland County that monitors compliance of regulated sources in Lexington, Richland, Newberry, and Fairfield counties.

EPA Response: Lexington does not have a monitor and Richland has two monitors, one violating and one that is not. We agree with the state request for partial county nonattainment areas. Therefore we are designating Richland and Lexington Counties as partial nonattainment counties as recommended by the State and based on the 11 Factor Analysis on Columbia, S.C., found in Section 6 of the TSD.

Comment 1058:

Region: 4

State: SC

Area: Columbia, SC

Comment: A commenter states that the Department provides in their letter to EPA dated February 20, 2004 "compelling" evidence as to why the Department believes that only portions of Lexington and Richland Counties should be designated nonattainment for the 8-hour ozone standard. The commenter's EAC-related information for Lexington and Richland Counties, South Carolina (Appalachian - A EAC) from the February 20, 2004 letter follows:

1) Upon review of the ozone nonattainment area boundary recommendations submitted by the South Carolina Department of Health and Environmental Control (Department) on July 14, 2003, and later amended on November 14, 2003, the United States Environmental Protection Agency (EPA), in a letter dated December 3, 2003, notified the Department of its intent to promulgate designations of nonattainment areas in South Carolina with modifications to the State's recommendations. Specifically, EPA's response indicated that the entire Columbia MSA (MSA), which is based on the 1990 MSA definition, would be designated as the nonattainment area. Such a recommendation would include the full counties of Lexington and Richland. The Department remains firm in its request that only combined portions of the two counties be designated. The Department wishes to take this opportunity to demonstrate why EPA's proposed modifications are inappropriate. The information and data provided, including EAC-related information, documents, on a technical basis, the Department's reasons for recommending the combined portions of Lexington and Richland Counties as a nonattainment area.

2) Based on South Carolina's commitment to "Cleaner Air Sooner," designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. The South Carolina General Assembly passed, and our Governor signed, a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground-level ozone. At the end of 2002, 45 of South Carolina's 46 counties entered into EACs to implement ozone reduction strategies earlier than federally required. These counties, along with other government entities, industry, environmental groups, and other stakeholders have worked together both at the local level and state level to develop strategies to reduce ozone pollution. The few counties that have been identified by EPA as potential nonattainment areas are actively participating in the EAC process and are developing local plans to bring cleaner air sooner to their citizens. Most importantly to our future air quality, the 45 counties continue to embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn. These efforts demonstrate a commitment by all involved to protect and improve air quality for the citizens of South Carolina.

3) Through their participation with the EAC, Lexington and Richland Counties are both exploring countywide local control strategies to be implemented no later than April 2005. For Lexington County, these strategies include park and ride facilities, alternative commute options, alternative fuels and landfill methane reduction. Strategies under consideration by Richland County include strengthening land-use planning, alternative vehicles, ozone awareness and education, alternative work schedules, participation in Clean Cities, and open burning restrictions. A complete listing of the emission reduction strategies for each county was submitted to EPA in December 2003. This list will be updated in March 2004 upon submittal of the final Lexington

County Early Action Plan and the Richland County Early Action Plan.

4) As part of the EAC process another regulation that the Department is revising in an effort to reduce NOX emissions statewide is R. 61-62.2, Prohibition of Open Burning. The most significant revisions to this regulation are as follows: deleting the exception for the burning of household trash, modifying the exception for the burning of construction waste, and revising the exception for fires set for the purpose of firefighter training. The burning of household trash and construction waste presents health and environmental concerns for many communities. Elimination of the burning of household trash will result in a statewide reduction of 2,379 tons per year of NOX and 11,896 tons per year VOC. While the revisions to the burning of construction waste and fires set for the purpose of firefighter training are more difficult to quantify, these revisions will decrease NOX and VOC emissions from these activities. The health of the citizens of South Carolina is a primary concern and the Department continues to seek proactive measures to meet our commitment to public health and environmental protection. South Carolina has been in attainment of the 1-hour ozone standard for the past decade, and will make every effort to attain the new 8-hour ozone air quality standard in all areas of the State as expeditiously as possible.

5) The EAC option requires an expeditious time line for achieving emissions reductions sooner than expected under the 8-hour ozone implementation rulemaking, while providing "fail-safe" provisions for the area to revert to the traditional SIP process if specific milestones are not met. Forty-five of South Carolina's forty-six counties have entered into EACs. This action indicates that the local governments in the State of South Carolina are very concerned with air quality. Many of the counties entering into the EACs do not have problems meeting the air quality standard and yet are still willing to plan and work with other areas to implement controls to ensure early attainment of the standards. Interested stakeholders (i.e., local, State, and Federal government, citizens, public interest groups, and the business community) have been and will continue to be involved in the planning. By signing the EAC, EPA is agreeing to defer the effective date of the nonattainment designation for participating areas. However, areas that enter into an EAC but do not meet all of the terms of the EAC, including established milestones, will forfeit participation and be designated according to requirements within EPA's 8-hour ozone implementation rule. At a minimum, those requirements will include Transportation Conformity and nonattainment MOU. Local areas are required to develop and implement a local early action plan that will promote the area's attainment by December 31, 2007, and maintenance of the standard until at least 2012. The local area must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. The final local plan is due to the Department in March 2004. The Department is required to develop and implement a State early action SIP demonstrating the participating area's attainment by December 31, 2007, and maintenance until at least 2012. The Department is currently evaluating the possibility of projecting out to 2017 to evaluate the air quality ten years after the "attainment" date. The SIP is due to EPA by December 31, 2004. The State must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. Potential control strategies were identified to EPA on June 16, 2003. Final strategies are to be implemented no later than April 1, 2005. If the monitors in the nonattainment areas reflect attainment by December 31, 2007, the area will be

designated as attainment and no additional requirements will be imposed (i.e., Transportation Conformity and nonattainment MOU).

The commenter believes, based on EPA presumptive boundary sizes, that designation of a partial and separate nonattainment area for the Anderson boundary is appropriate. Commenter shows a side-by-side comparison of there commended Atlanta, GA 8-hour ozone nonattainment area and the Columbia, SC MSA, (EPA's presumptive boundary for the midlands). Disturbing observations can be made, given that EPA has indicated that these will be the 8-hour ozone nonattainment boundaries for the respective areas. The two counties that make up the Columbia MSA average 728.5 square miles per county. In contrast, the Atlanta area includes 20 counties with an average size of 324.5 square miles per county. The comparative land areas and populations demonstrate a severe inequity in setting boundaries based on EPA's presumptive boundaries.

Based on the CAA, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. The CAA's requirement of MSAs or Consolidated MSAs as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal by EPA concerning implementation of the 8-hour ozone standard, the violating monitors in the Columbia Area would be classified as marginal. The Office of Management and Budget (OMB) has defined metropolitan areas for statistical purposes to include the collection, tabulation, and publication of data by Federal agencies for geographic areas to facilitate the uniform use and comparability of data on a national scale. This was recently confirmed in the December 27, 2000, Federal Register notice concerning Standards for Defining Metropolitan and Micropolitan Statistical Areas by the OMB. The Department asserts that designating areas under the National Ambient Air Quality Standards is indeed a nonstatistical program. For EPA to default to a presumptive boundary for "consistency" purposes stifles the creativity to improve air quality as expeditiously as possible to bring clean air to the public and rewards those who choose to wait. EPA's broad-brush approach discourages initiatives by local areas, counties, and states to be proactive. Further, for EPA to default to its Columbia presumptive boundaries rather than allowing the use of its published criteria significantly changes Congressional intent and EPA's guidelines to a "presumptive norm."

Based on low population and low population density in the rural areas of Richland and Lexington Counties, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. In 2000, the Columbia MSA had a population of 536,691, within a land area encompassing 1,455 square miles. The recommended Columbia nonattainment area boundary captures 92.14% of the population, or 494,518 people, within a land area measuring 995.8 square miles. The recommended nonattainment area has a population density of 496.6 persons per square mile. The portions of Richland and Lexington Counties not captured within the boundary are rural in nature, with a population density of only 91.84 persons per square mile.

Based on employee percentages and distribution of economic sector employees, designation of

combined partial counties for the recommended Columbia nonattainment area is appropriate. The recommended boundary captures 91.04 percent of the manufacturing employees and 92.53 percent of the manufacturing establishments. Given that the vast majority of the manufacturing and retail trade establishments and employees in the Columbia MSA are located in the recommended area and that the MSA, particularly the recommended area, is predominantly urban, it is reasonably assumed that the majority of the employees and establishments in the county for other industrial categories are contained within the recommended area boundary.

Based on the 2001-2003 quality assured data, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. There are three monitors in Richland County, two of which are captured within the boundary. One of these monitors currently indicates nonattainment of the 8-hour ozone standard. The other has only two years of data. The third monitor indicates attainment with the standard and is not included in the recommended boundary. Also, between 2000 and 2002, the Department operated an ozone monitor in Eastern Aiken County (West of Columbia) to assess conditions between Aiken and Columbia, South Carolina. This monitor was located approximately 20 miles from the Lexington County line. This monitor indicated attainment of the ozone standard and further supports the recommendation of the proposed boundary. The three monitors in Richland County only accounted for two exceedances of the ozone standard value (0.085 ppm or higher) in 2003. By designating all of Richland and Lexington Counties as nonattainment, the citizens would be told that their air quality does not meet the standard when the monitoring data confirms that it does.

Based on the point source emissions captured in the area and recommended controls on those outside, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. The Lexington County portion of the recommended Columbia nonattainment area accounts for 99.7 percent of the NOX point source emissions and 97.9 percent of the VOC point source emissions, respectively. The Richland County portion of the recommended Columbia nonattainment area accounts for 2.0 percent of the NOX point source emissions and 84.9 percent of the VOC point source emissions, respectively. There are two significant NOx sources in Richland County, SCE&G; Wateree and International Paper: Eastover, which are outside of the proposed boundary. SCE&G; Wateree has installed VMT (SCR) emission control devices to significantly reduce their NOx emissions from 38.4 tons per day to 12.94 tons per day, resulting in a 66% daily reduction, during the ozone season. International Paper: Eastover, the second largest NOX source in Richland County, is subject to the State's federally approved NOX SIP Call Plan. The Department has the necessary authority to require additional controls, if further reductions are appropriate, to attain the National Ambient Air Quality Standards (NAAQS) in the recommended Columbia nonattainment area. The Richland County ozone monitoring station (Congaree Bluff 45-079-0021) is located in a rural area between International Paper: Eastover and the recommended Columbia nonattainment area. The monitor is not within the recommended Columbia nonattainment area. The Congaree Bluff ozone monitor indicates attainment of the NAAQS.

Based on the high Daily Vehicle Miles Traveled (DVMT) captured in the recommended area, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. The proposed boundary captures 91% of the daily VMT in the two counties and it is estimated that in 2025 the boundary will capture 93%.

Based on commuter flow, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. According to the U.S. Census Bureau 71.68 percent of workers in the Columbia MSA, work in the same county they live in. Lexington County accounts for 41.10 percent of the working population in the MSA, workers living in Lexington and commuting to other counties in the State account for only 17.61 percent of the entire worker flow. Richland County accounts for 58.89 percent of the working population in the MSA, workers living in Richland and commuting to other counties in the State account for only 7.51 percent of the entire worker flow.

Based on South Carolina's statutory authority to require controls on sources regardless of location, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. The Department has the legal authority to seek emission reductions from any source regardless of where it is located if it adversely impacts air quality. The Department currently has regulations that are more stringent and protective than federal requirements. Further, our recent actions such as addressing NOX emissions from stationary sources demonstrate our ability and political will to implement controls to improve air quality statewide rather than on an area or county level basis.

Based on state and EPA modeling, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. Preliminary results show that all areas of South Carolina will attain the 8-hour ozone standard by 2007 with the reductions attributed to the NOX SIP Call and the Tier 2/Low Sulfur Fuel regulations. Additionally, a modeling analysis for the year 2012 demonstrates attainment. The results of this modeling verify the regional modeling completed by EPA, which also demonstrated attainment for all South Carolina areas with implementation of the above programs.

Based on a comprehensive ozone -forecasting program that covers twenty-nine (29) counties in our state, including Richland and Lexington Counties, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. South Carolina's citizens are alerted on a daily basis during ozone forecasting season as to the predicted quality of the air so that they may take actions as they believe appropriate to better protect their health. The Department has expended and will continue to expend significant resources to provide this service to our citizens. This daily forecast is a much better indication to the public of when they need to act to avoid exposure to high ozone levels than a nonattainment designation, which is a one-time publication in the Federal Register.

Based on the unique transportation and air quality planning programs, designation of combined partial counties for the recommended Columbia nonattainment area is appropriate. The Columbia Area Transportation Study (COATS) performs transportation planning specific for the urbanized portions of Lexington and Richland Counties. Similarly, the Department has a regional environmental office located in Richland County that monitors compliance of the regulated sources within Lexington, Richland, Newberry, and Fairfield Counties.

EPA Response: EPA concurs with the State's recommendation to designate only portions of Lexington and Richland Counties as part of the Charlotte nonattainment area. Our full analysis can be found in the Charlotte 11 Factors analysis in the TSD.

Comment 100:

Region: 4

State: SC

Area: Due West Monitoring Site, SC

Comment: A commenter would like Abbeville County to no longer appear as a recommended nonattainment area (based on rural transport) given that the 2003 ozone DV for the Due West monitor (Abbeville County) is now 0.082 ppm.

EPA Response: EPA agrees with the commenter that the three most recent years of data show that the Due West monitor is attaining the standard. Because Abbeville County is attaining the 8-hour NAAQS and is not contributing to a violation of the 8-hour NAAQS in a nearby area, EPA is designating Abbeville County as attainment.

Comment 156:

Region: 4

State: SC

Area: Florence, SC

Comment: A commenter asserts that South Carolina fails to designate the entire two county area of Florence and Darlington counties as nonattainment.

EPA Response: Based on 2001-2003 air quality data, EPA agrees with the State's recommendation to designate Florence and Darlington Counties as attainment.

Comment 98:

Region: 4

State: SC

Area: Florence, SC

Comment: A commenter asserts that given that the 2003 ozone DV for the Pee Dee monitor

(Darlington County) is now 0.082 ppm, the area should no longer appear as a recommended nonattainment area.

EPA Response: EPA agrees with the commenter. EPA designates Darlington County as attainment based on monitoring data which meets the standard.

Comment 101:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter would like Pickens County to no longer appear as a recommended nonattainment area given that the ozone DV for the Clemson monitor (Pickens County) is now 0.084 ppm.

EPA Response: EPA agrees with the commenter that the three most recent years of data show that the monitor is attaining the standard. Because Pickens County is attaining the 8-hour NAAQS and is not contributing to a violation of the 8-hour NAAQS in a nearby area, EPA is designating Pickens County as attainment.

Comment 102:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter would like Cherokee County to no longer appear as a recommended nonattainment area given that the ozone DV for the Cowpens monitor is now 0.084 ppm.

EPA Response: EPA agrees with the commenter that the three most recent years of data show that the Cowpens monitor is attaining the standard. Because Cherokee County is attaining the 8-hour NAAQS and is not contributing to a violation of the 8-hour NAAQS in a nearby area, EPA is designating Cherokee County as attainment.

Comment 1022:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter recommends designating only a portion of Greenville County as nonattainment and this area should be a separate nonattainment area. EPA has indicated that the Greenville-Spartanburg-Anderson MSA should be one nonattainment area. DHEC's recommendation to have a partial county designation that is separate is based on the following evaluation of EPA's eleven factors:

- 1) DHEC concludes that the comparative land areas and populations between Atlanta and this MSA demonstrate a severe inequity in EPA's presumptive boundaries.
- 2) Based on 2003 MSA definitions, Anderson, Greenville, and Spartanburg will be distinct. DHEC believes that designating Greenville County as a partial and separate nonattainment area is appropriate. Furthermore, DHEC notes that the CAA's requirement for MSA or CMSAs as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal concerning the implementation of the 8-hour ozone NAAQS, this area would be a marginal, not serious, nonattainment area.
- 3) Based on low population and low population density, designation of Greenville County as a partial and separate nonattainment area is appropriate.
- 4) Based on low employee percentages and wide distribution of economic sector employees, the partial county and separate nonattainment boundary is appropriate.
- 5) The recommended boundary captures 89% of the total point source NOx emissions and 96.9% of the total point source VOC emissions in Greenville County.
- 6) DHEC estimates that only 4.01% of workers living in Greenville county commute to other counties in the Greenville-Spartanburg-Anderson MSA.
- 7) Based on South Carolina's commitment to "Cleaner Air Sooner," South Carolina passed a concurrent resolution that endorses EACs and encourages state agencies to develop ozone reduction programs.
- 8) South Carolina has statutory authority to require controls on sources regardless of location.
- 9) Preliminary results from EPA modeling show that all areas of South Carolina will attain the 8-hour ozone NAAQS by 2007 with the reductions attributed to the NOx SIP call and the Tier 2/low sulfur fuel regulations.
- 10) Based on the most recent data from the monitor in Abbeville, which is the most representative of southern Greenville County, the area is in attainment.
- 11) The Greenville Area Transportation Study performs transportation planning specific to the urbanized portion of Greenville County.

EPA Response: EPA disagrees that part of Greenville County should be separate from the Anderson-Spartanburg Nonattainment Area. On the basis of EPA's 11 factor analysis, the entire of Greenville County is designated nonattainment as part of the Greenville-Spartanburg-Anderson County Nonattainment Area. See Section 6, TSD.

Comment 1023:

Region: 4
State: SC
Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter recommends designating only a portion of Spartanburg County as nonattainment and this area should be a distinct nonattainment area. EPA has indicated that the Greenville-Spartanburg-Anderson MSA should be one nonattainment area. DHEC disagrees with this proposed designation. DHEC's recommendation to have a partial county designation that is a separate area is based on the following evaluation of EPA's eleven factors:

- 1) DHEC concludes that the comparative land areas and populations versus Atlanta demonstrate a severe inequity in setting boundaries based on EPA's presumptive boundary guidance.
- 2) Based on 2003 MSA Definitions, Spartanburg County will not be joined with Anderson and Greenville MSAs. Furthermore, DHEC notes that the CAA's requirement for MSA or CMSAs as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal concerning the implementation of the 8-hour ozone NAAQS, this area would be a marginal, not serious, nonattainment area.
- 3) The partial county boundary recommended by DHEC captures 64.53% of the population and 34.93% of the land area.
- 4) DHEC notes that the recommended boundary captures 87.17% of the manufacturing employees and 88.31% of the manufacturing establishments.
- 5) The recommended boundary captures 98.8% of the total point source NO_x emissions and 90.4% of the total point source VOC emissions in Spartanburg County.
- 6) DHEC estimates that only 3.99% of workers living in Spartanburg County commute to other counties in the Greenville-Spartanburg-Anderson MSA.
- 7) South Carolina passed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground level ozone.
- 8) South Carolina has statutory authority to require controls on sources regardless of location.
- 9) Preliminary results from EPA modeling show that all areas of South Carolina will attain the 8-hour ozone NAAQS by 2007 with the reductions attributed to the NO_x SIP call and the Tier 2/low sulfur fuel regulations.
- 10) Spartanburg County is bounded by two counties with attaining monitors (Cherokee and Union Counties). DHEC believes that the Cowpens monitor, in Cherokee County, that is attaining the standard, is the most representative of the northern part of Spartanburg County, thus justifying the

partial county designation.

11) The Spartanburg Area Transportation Study performs transportation planning specific to the urbanized part of Spartanburg County. This department has a regional environmental office located in Spartanburg County that monitors compliance of the regulated sources within Spartanburg, Union, and Cherokee counties.

EPA Response: EPA disagrees that part of Spartanburg County should be separate from the Greenville-Spartanburg-Anderson Nonattainment Area. On the basis of EPA's 11 factor analysis, the entire of Spartanburg County is designated nonattainment as part of the Greenville-Spartanburg- Anderson County Nonattainment Area. See Section 6, TSD.

Comment 1026:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter disagrees with EPA's intention to include Cherokee County in the Greenville-Spartanburg-Anderson MSA nonattainment area. DHEC believes that their recommendation to exclude Cherokee County is technically sound based on the following:

1) DHEC states that the CAA's requirement for MSA or CMSAs as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal concerning the implementation of the 8-hour ozone NAAQS, this area would be a marginal, not serious, nonattainment area.

2) South Carolina passed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground level ozone.

3) South Carolina has statutory authority to require controls on sources regardless of location.

4) Preliminary results from EPA modeling show that all areas of South Carolina including Cherokee County will attain the 8-hour ozone NAAQS by 2007 with the reductions attributed to the NOx SIP call and the Tier 2/low sulfur fuel regulations.

5) Based on the 2001-2003 quality assured data, the monitor in Cherokee County is attaining the 8-hour NAAQS and experienced only one exceedance in 2003. Cherokee County is bounded by monitors attaining the 8-hour NAAQS in areas to the east, southeast, and south.

6) In 2000, Cherokee County had a population of 52,537 which is only 5.46% of the population of the Greenville-Spartanburg-Anderson MSA. Cherokee County has the lowest population density in the MSA and the lowest growth projection rates.

7) Cherokee County has the lowest number of employees in the MSA.

8) Cherokee County comprises 7.78% of the MSA NO_x point source emissions and 5.71% of the VOC point source emissions. Cherokee County contributes 6% and 5% of the MSA daily NO_x and VOC area source emissions, respectively. Cherokee County comprised only 8% of the MSA mobile source NO_x emissions and 6% of the MSA mobile source VOC emissions.

9) Cherokee County accounts for 4.73% of the working population in the MSA, and workers living in Cherokee County and commuting to other counties in the MSA accounts for only 1.02% of the entire worker flow.

EPA Response: EPA concurs with the state recommendation and the commenter that Cherokee County should be excluded from the Greenville-Spartanburg-Anderson, SC nonattainment area. Cherokee County is not monitoring a violation of the standard and the 11 factor analysis indicated that Cherokee is not contributing to a nearby area. EPA is designating Cherokee County as attainment. The justification for this action is explained in Section 6 of the TSD.

Comment 1028:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter disagrees with EPA's intention to include Pickens County in the Greenville-Spartanburg-Anderson MSA nonattainment area. DHEC believes that its recommendation to exclude Pickens County is technically sound based on the following:

1) DHEC states that the CAA's requirement for MSA or CMSAs as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal concerning the implementation of the 8-hour ozone NAAQS, this area would be a marginal, not serious, nonattainment area.

2) South Carolina passed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground level ozone.

3) South Carolina has statutory authority to require controls on sources regardless of location.

4) Preliminary results from EPA modeling show that all areas of South Carolina including Pickens County will attain the 8-hour ozone NAAQS by 2007 with the reductions attributed to the NO_x SIP call and the Tier 2/low sulfur fuel regulations.

5) Based on the 2001-2003 quality assured data, the monitor in Pickens County is attaining the 8-hour NAAQS and experienced no exceedances in 2003. Pickens County is bounded by an attaining monitor to the east.

6) In 2000, Pickens County has a population of 110,757 which is only 11.51% of the population of the Greenville-Spartanburg-Anderson MSA.

7) Pickens County has the second lowest number of employees in the MSA.

8) Pickens County comprises 1.91% of the MSA NO_x point source emissions and 2.08% of the VOC point source emissions. Pickens County contributes 12% and 11% of the MSA daily NO_x and VOC area source emissions, respectively. Pickens County comprised only 10% of the MSA mobile source NO_x emissions and 9% of the MSA mobile source VOC emissions.

9) Pickens County accounts for 11.22% of the working population in the MSA, and workers living in Pickens County and commuting to other counties in the MSA accounts for only 4.53% of the entire worker flow.

EPA Response: EPA concurs with the state recommendation and the commenter that Pickens County should be excluded from the Greenville-Spartanburg-Anderson, SC Nonattainment Area. EPA is designating Pickens County as attainment. Pickens County is not violating the standard and our analysis shows that it is not contributing to a violation in a nearby area. The justification for this action is in Section 6 of the TSD.

Comment 1053:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: 1) A commenter states that upon review of the ozone nonattainment area boundary recommendations submitted by the SCDHEC on July 14, 2003, and later amended on November 14, 2003, the United States Environmental Protection Agency (EPA), in a letter dated December 3, 2003, notified the Department of its intent to promulgate designations of nonattainment areas in South Carolina with modifications to the Department's recommendations. Specifically, EPA's response indicated that the entire Greenville-Spartanburg-Anderson MSA (MSA), which is based on the 1990 MSA definition, be designated as one nonattainment area. Such a recommendation would include the full counties of Anderson, Cherokee, Greenville, Pickens, and Spartanburg. The Department remains firm in its request that only portions of Anderson, Greenville, and Spartanburg Counties be designated and that their designations be independent of one another. The Department wishes to take this opportunity to again demonstrate why EPA's proposed modifications are inappropriate. The Department provides additional information and data, including the following EAC-related information that documents, on a technical basis, the Department's reasons for recommending only a portion of Greenville County as a separate nonattainment area.

2) A commenter states that based on South Carolina's commitment to "Cleaner Air Sooner," designation of a partial and separate nonattainment boundary for the Greenville area is appropriate. The South Carolina General Assembly passed and our Governor signed a concurrent

resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground-level ozone. At the end of 2002, 45 of South Carolina's 46 counties entered into EACs to implement ozone reduction strategies earlier than federally required. These counties, along with other government entities, industry, environmental groups, and other stakeholders have worked together both at the local level and state level to develop strategies to reduce ozone pollution. The few counties that have been identified by EPA as potential nonattainment areas are actively participating in the EAC process and are developing local plans to bring cleaner air sooner to their citizens. Most importantly to our future air quality, the 45 counties continue to embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn. These efforts demonstrate a commitment by all involved to protect and improve air quality for the citizens of South Carolina.

3) A commenter states that in December 2002, Greenville County entered into an EAC with the Department and EPA, Region 4. Each of the Upstate Counties (Greenville, Anderson, and Spartanburg) recognizes the value and importance of the health of the citizens and the related need for clean air; however, each recognizes that individual county planning is the quickest way to achieve results. Through its participation with the EAC, Greenville County is exploring countywide local control strategies to be implemented no later than April 2005. These strategies include designating an ozone action coordinator; encouraging the use of hybrid vehicles and alternative fuels; evaluating the use of high occupancy vehicle lanes; implementing open burning restrictions; and supporting Department statewide efforts. A complete listing of the emission reduction strategies for Greenville County was included in their December 2003 Progress Report and will be updated in March 2004.

4) A commenter states that as part of the EAC process another regulation that the Department is revising in an effort to reduce NO_x emissions statewide is R. 61-62.2, Prohibition of Open Burning. The most significant revisions to this regulation are as follows: deleting the exception for the burning of household trash, modifying the exception for the burning of construction waste, and revising the exception for fires set for the purpose of firefighter training. The burning of household trash and construction waste presents health and environmental concerns for many communities. Elimination of the burning of household trash will result in a statewide reduction of 2,379 tons per year of NO_x and 11,896 tons per year VOC. While the revisions to the burning of construction waste and fires set for the purpose of firefighter training are more difficult to quantify, these revisions will decrease NO_x and VOC emissions from these activities.

5) A commenter states that the EAC option requires an expeditious time line for achieving emissions reductions sooner than expected under the 8-hour ozone implementation rulemaking, while providing "fail-safe" provisions for the area to revert to the traditional SIP process if specific milestones are not met. Forty-five of South Carolina's forty-six counties have entered into EACs. This action indicates that the local governments in the State of South Carolina are very concerned with air quality. Many of the counties entering into the EACs do not have problems meeting the air quality standard and yet are still willing to plan and work with other areas to implement controls to ensure early attainment of the standards. Interested stakeholders

(i.e., local, State, and Federal government, citizens, public interest groups, and the business community) have been and will continue to be involved in the planning. By signing the EAC, EPA is agreeing to defer the effective date of the nonattainment designation for participating areas. However, areas that enter into an EAC but do not meet all of the terms of the EAC, including established milestones, will forfeit participation and be designated according to requirements within EPA's 8-hour ozone implementation rule. At a minimum, those requirements will include Transportation Conformity and nonattainment MOU. Local areas are required to develop and implement a local early action plan that will promote the area's attainment by December 31, 2007, and maintenance of the standard until at least 2012. The local area must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. The final local plan is due to the Department in March 2004.

6) The Department is required to develop and implement a State early action SIP demonstrating the participating area's attainment by December 31, 2007, and maintenance until at least 2012. The Department is currently evaluating the possibility of projecting out to 2017 to evaluate the air quality ten years after the "attainment" date. The SIP is due to EPA by December 31, 2004. The State must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. Potential control strategies were identified to EPA on June 16, 2003. Final strategies are to be implemented no later than April 1, 2005. If the monitors in the nonattainment areas reflect attainment by December 31, 2007, the area will be designated as attainment and no additional requirements will be imposed (i.e., Transportation Conformity and nonattainment MOU).

7) A commenter believes that, based on low population and low population density, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The recommended boundary captures 84.45 percent of the population and 69.92 percent of the land area, and the boundary includes the most densely populated land areas within the county. In fact, approximately 13.8 percent of Anderson County's land area contains an estimated 95 percent of the county's urban population (see figure 2). Moreover, the recommended area, which covers a large percentage of the land area, captures this "contained" urban population.

8) A commenter asserts that, based on low employee percentages and wide distribution of economic sector employees, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The recommended boundary captures 92.76 percent of the manufacturing employees and 90.81 percent of the manufacturing establishments. Given that the vast majority of the manufacturing establishments and employees in the county are located in the recommended area, that the county is predominantly urban, and that the recommended area contains the urbanized areas in the county, it is reasonably assumed that the majority of the retail trade employees and establishments in the county, as well as other businesses, are contained within the recommended area boundary.

9) A commenter feels that based on the point source emissions data, a commenter believes that designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The recommended boundary captures 99.9 percent of the total point source NOx

emissions and 98.9 percent of the total point source VOC emissions.

10)A commenter feels that based on commuter flow, a commenter believes that designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. According to the U.S. Census Bureau, 81.96 percent of workers in the Greenville -Spartanburg-Anderson MSA, work in the same county they live in. Anderson County accounts for 16.53 percent of the working population in the MSA, workers living in Anderson and commuting to other counties in the MSA account for only 4.48 percent of the entire MSA worker flow.

11) A commenter feels that based on South Carolina's statutory authority to require controls on sources regardless of location, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The Department has the legal authority to seek emission reductions from any source regardless of where it is located if it adversely impacts air quality. The Department currently has regulations that are more stringent and protective than federal requirements. Further, our recent actions such as addressing NO_x emissions from stationary sources demonstrate our ability and political will to implement controls to improve air quality statewide rather than on an area or county level basis. In fact, in a recent permit application from Santee-Cooper (Rainey), the Department required that Selective Catalytic Reduction (SCR) controls be installed on units 1A and 1B. Both units will be operating with SCR controls by April 1, 2005.

12)A commenter feels that based on state and EPA modeling, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. Preliminary results show that all areas of South Carolina will attain the 8-hour ozone standard by 2007 with the reductions attributed to the NO_x SIP Call and the Tier 2/Low Sulfur Fuel regulations. Additionally, a modeling analysis for the year 2012 demonstrates attainment. The results of this modeling verify the regional modeling completed by EPA, which also demonstrated attainment for all South Carolina areas with implementation of the above programs.

13)A commenter feels that based on the 2001-2003 quality assured data, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. While the monitor in Anderson County is violating the 8-hour standard, it is bounded by attaining monitors in Oconee, Pickens, and Abbeville Counties. Furthermore, the Department believes that the Powdersville monitor is most representative of the recommended boundary area. The monitor in Abbeville County is more representative of conditions in southern Anderson County, which the Department is not recommending for nonattainment designation. Anderson County experienced only one exceedance of the ozone standard value (0.085 ppm or higher) in 2003.

14)A commenter feels that based on a comprehensive ozone -forecasting program that covers 29 counties in our state, including Anderson County, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. South Carolina's citizens are alerted on a daily basis during ozone forecasting season as to the predicted quality of the air so that they may take actions as they believe appropriate to better protect their health. The Department has expended and will continue to expend significant resources to provide this

service to our citizens. This daily forecast is a much better indication to the public of when they need to act to avoid exposure to high ozone levels than a nonattainment designation, which is a one-time publication in the Federal Register.

15)A commenter feels that based on the unique transportation and air quality planning programs, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The Anderson Area Transportation Study (ANATS) performs transportation planning specific for the urbanized portion of the county. Similarly, the Department has a regional environmental office located in Anderson County that monitors compliance of the regulated sources within Anderson and Oconee Counties.

EPA Response: EPA disagrees with the commenter that portions of Anderson, Greenville, and Spartanburg Counties be designated as separate nonattainment areas. Based on air quality information and the Greenville-Spartanburg-Anderson 11 Factors Analysis in Section 6 of the TSD, EPA is designating these counties as one nonattainment area. Our full analysis for this area is provided in the technical justifications section of the docket.

Comment 1054:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter argues that:

1) Upon review of the ozone nonattainment area boundary recommendations submitted by the South Carolina Department of Health and Environmental Control (Department) on July 14, 2003, and later amended on November 14, 2003, the United States Environmental Protection Agency (EPA), in a letter dated December 3, 2003, notified the Department of its intent to promulgate designations of nonattainment areas in South Carolina with modifications to the Department's recommendations. Specifically, EPA's response indicated that the entire Greenville-Spartanburg-Anderson MSA (MSA), which is based on the 1990 MSA definition, be designated as one nonattainment area. Such a recommendation would include the full counties of Anderson, Cherokee, Greenville, Pickens, and Spartanburg. The Department remains firm in its request that only portions of Anderson, Greenville, and Spartanburg Counties be designated and that their designations be independent of one another. The Department wishes to take this opportunity to again demonstrate why EPA's proposed modifications are inappropriate. The Department provides additional information and data, including the following EAC-related information that documents, on a technical basis, the Department's reasons for recommending only a portion of Spartanburg County as a separate nonattainment area.

2) Based on South Carolina's commitment to "Cleaner Air Sooner," designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. The South Carolina General Assembly passed and our Governor signed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can

take to reduce ground-level ozone. At the end of 2002, 45 of South Carolina's 46 counties entered into EACs to implement ozone reduction strategies earlier than federally required. These counties, along with other government entities, industry, environmental groups, and other stakeholders have worked together both at the local level and state level to develop strategies to reduce ozone pollution. The few counties that have been identified by EPA as potential nonattainment areas are actively participating in the EAC process and are developing local plans to bring cleaner air sooner to their citizens. Most importantly to our future air quality, the 45 counties continue to embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn. These efforts demonstrate a commitment by all involved to protect and improve air quality for the citizens of South Carolina.

3) In December 2002, Spartanburg County entered into an EAC with the Department and EPA, Region 4. Each of the Upstate Counties (Spartanburg, Anderson, and Greenville) recognizes the value and importance of the health of the citizens and the related need for clean air; however, each recognizes that individual county planning is the quickest way to achieve results. Through its participation with the EAC, Spartanburg County is exploring countywide local control strategies to be implemented no later than April 2005. These strategies include designating an ozone action coordinator; encouraging the use of hybrid vehicles and alternative fuels; evaluating the use of high occupancy vehicle lanes; implementing open burning restrictions; and supporting Department statewide efforts. A complete listing of the emission reduction strategies for Spartanburg County was included in their December 2003 Progress Report and will be updated in March 2004.

4) As part of the EAC process another regulation that the Department is revising in an effort to reduce NO_x emissions statewide is R. 61-62.2, Prohibition of Open Burning. The most significant revisions to this regulation are as follows: deleting the exception for the burning of household trash, modifying the exception for the burning of construction waste, and revising the exception for fires set for the purpose of firefighter training. The burning of household trash and construction waste presents health and environmental concerns for many communities. Elimination of the burning of household trash will result in a statewide reduction of 2,379 tons per year of NO_x and 11,896 tons per year VOC. While the revisions to the burning of construction waste and fires set for the purpose of firefighter training are more difficult to quantify, these revisions will decrease NO_x and VOC emissions from these activities.

5) The EAC option requires an expeditious time line for achieving emissions reductions sooner than expected under the 8-hour ozone implementation rulemaking, while providing "fail-safe" provisions for the area to revert to the traditional SIP process if specific milestones are not met. Forty-five of South Carolina's forty-six counties have entered into EACs. This action indicates that the local governments in the State of South Carolina are very concerned with air quality. Many of the counties entering into the EACs do not have problems meeting the air quality standard and yet are still willing to plan and work with other areas to implement controls to ensure early attainment of the standards. Interested stakeholders (i.e., local, State, and Federal government, citizens, public interest groups, and the business community) have been and will continue to be involved in the planning. By signing the EAC, EPA is agreeing to defer the

effective date of the nonattainment designation for participating areas. However, areas that enter into an EAC but do not meet all of the terms of the EAC, including established milestones, will forfeit participation and be designated according to requirements within EPA's 8-hour ozone implementation rule. At a minimum, those requirements will include Transportation Conformity and nonattainment MOU. Local areas are required to develop and implement a local early action plan that will promote the area's attainment by December 31, 2007, and maintenance of the standard until at least 2012. The local area must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. The final local plan is due to the Department in March 2004.

6) The Department is required to develop and implement a State early action SIP demonstrating the participating area's attainment by December 31, 2007, and maintenance until at least 2012. The Department is currently evaluating the possibility of projecting out to 2017 to evaluate the air quality ten years after the "attainment" date. The SIP is due to EPA by December 31, 2004. The State must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. SC identified potential control strategies and submitted to EPA on June 16, 2003. Final strategies are to be implemented no later than April 1, 2005. If the monitors in the nonattainment areas reflect attainment by December 31, 2007, the area will be designated as attainment and no additional requirements will be imposed (i.e., Transportation Conformity and nonattainment MOU).

7) Based on EPA presumptive boundary sizes, designation of a partial and separate nonattainment area for the Spartanburg boundary is appropriate. The commenter noted a side-by-side comparison of the recommended Atlanta, GA 8-hour ozone nonattainment area and the Greenville-Spartanburg-Anderson, SC MSA, (EPA's presumptive boundary for the upstate). Disturbing observations can be made, given that EPA has indicated that these will be the 8-hour ozone nonattainment boundaries for the respective areas. The five counties that make up the Greenville-Spartanburg-Anderson MSA average 641.8 square miles per county. In contrast, the Atlanta area includes 20 counties with an average size of 324.5 square miles per county. The comparative land areas and populations demonstrate a severe inequity in setting boundaries based on EPA's presumptive boundaries.

8) Based on low population and low population density, designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. The recommended boundary captures 64.53 percent of the population and 34.93 percent of the land area. Moreover, the boundary includes the majority of the most densely populated land areas within the county. In fact, approximately 19.6 percent of Spartanburg County's land area contains an estimated 80-85 percent of the county's urban population. Additionally, the recommended area, which covers a large percentage of the land area, captures this "contained" urban population, as well as the remaining rural population.

9) Based on low employee percentages and wide distribution of economic sector employees, designation of a partial and separate nonattainment boundary for the Spartanburg area is

appropriate. The recommended boundary captures 87.17 percent of the manufacturing employees and 88.31 percent of the manufacturing establishments. Given that the vast majority of the manufacturing establishments and employees in the county are located in the recommended area, that the county is predominantly urban, and that the recommended area contains the urbanized areas in the county, it is reasonably assumed that the majority of the retail trade employees and establishments in the county, as well as other businesses, are contained within the recommended area boundary.

10) Based on the point source emissions data, designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. The recommended boundary captures 98.8 percent of the total point source NO_x emissions and 90.4 percent of the total point source VOC emissions

11) Based on commuter flow, designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. According to the U.S. Census Bureau, 81.96 percent of workers in the Greenville -Spartanburg-Anderson MSA, work in the same county they live in. Spartanburg County accounts for 26.07 percent of the working population in the MSA. Workers living in Spartanburg and commuting to other counties in the MSA account for only 3.99 percent of the entire MSA worker flow.

12) Based on South Carolina's statutory authority to require controls on sources regardless of location, designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. The Department has the legal authority to seek emission reductions from any source regardless of where it is located if it adversely impacts air quality. The Department currently has regulations that are more stringent and protective than federal requirements. Further, our recent actions such as addressing NO_x emissions from stationary sources demonstrate our ability and political will to implement controls to improve air quality statewide rather than on an area or county level basis.

13) Based on state and EPA modeling, designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. Preliminary results show that all areas of South Carolina will attain the 8-hour ozone standard by 2007 with the reductions attributed to the NO_x SIP Call and the Tier 2/Low Sulfur Fuel regulations. Additionally, a modeling analysis for the year 2012 demonstrates attainment. The results of this modeling verify the regional modeling completed by EPA, which also demonstrated attainment for all South Carolina areas with implementation of the above programs.

14) Based on the 2001-2003 quality assured data, designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. While the monitor in Spartanburg County is currently violating the 8-hour standard, it is bounded by attaining monitors in Cherokee, and Union Counties. Furthermore, the Department believes that the attaining, Cowpens monitor in Cherokee County is most representative of conditions in the northern portion of the county, thus justifying excluding the northern part of Spartanburg County. The monitor in Union County is most representative of southern Spartanburg County, which the Department is

not recommending for nonattainment designation. Spartanburg County experienced only three exceedances of the ozone standard value (0.085ppm or higher) in 2003.

15) Based on a comprehensive ozone -forecasting program that covers twenty-nine (29) counties in our state, including Spartanburg County, designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. South Carolina's citizens are alerted on a daily basis during ozone forecasting season as to the predicted quality of the air so that they may take actions as they believe appropriate to better protect their health. The Department has expended and will continue to expend significant resources to provide this service to our citizens. This daily forecast is a much better indication to the public of when they need to act to avoid exposure to high ozone levels than a nonattainment designation, which is a one-time publication in the Federal Register.

16) Based on the unique transportation and air quality planning programs, designation of a partial and separate nonattainment boundary for the Spartanburg area is appropriate. The Spartanburg Area Transportation Study (SPATS) performs transportation planning specific for the urbanized portion of Spartanburg County. Similarly, the Department has a regional environmental office located in Spartanburg County that monitors compliance of the regulated sources within Spartanburg, Cherokee, and Union counties.

17) Conclusion: The twelve factors listed below represent the most compelling reasons why the Department believes designating only portions of Spartanburg County as the nonattainment boundary for the Spartanburg area is appropriate. The commenter attached additional data to support these factors, as well as other supporting documentation to address EPA's eleven criteria.

1. EPA presumptive boundary sizes.
2. 2003 MSA definitions.
3. Low population and low population density.
4. Low percentage of employees in the recommended area.
5. Low point source emissions in the recommended area.
6. Low MSA commuter flow.
7. Legislative and County support for the Department's "Cleaner Air Sooner" concept.
8. The Department's statutory authority to require controls on sources regardless of location.
9. State and EPA modeling indicating attainment with the ozone standard in 2007 and 2012.
10. Quality assured ozone-monitoring data indicating attainment around portions of the area not recommended.
11. Comprehensive Ozone Forecasting Program.
12. Unique transportation and air quality planning programs.

Additional information submitted

A. Climatology / Meteorology

The overall climatology of an area is paramount to the formation and mass movement of secondary pollutants such as ozone throughout the lowest layers of the troposphere. As a result,

though the overall emission volume may remain constant across a given monitoring site, the ambient concentration of ozone at that site may change according to even the most subtle shift in the overall weather pattern. This is indeed the rule across the whole of the State of South Carolina.

The “Ozone Season” in South Carolina runs from April 1 through October 31 of each year, roughly parallel to that experienced in most areas of the Southeastern United States. The main climatological feature influencing the overall weather pattern during this period is a large ridge of stable, sinking air known as the “Bermuda High.” This semi-permanent feature is normally situated just off the South Atlantic Seaboard, with its core of anticyclonic circulation centered due east of South Carolina. The average strength and position of this ridge provides a steady southwesterly flow of moist, tropical air from the Gulf of Mexico that, under normal circumstances, keeps the lower atmosphere well mixed and quite humid. These are two main factors that normally provide conditions non-conducive to the formation of elevated levels of ozone.

When the Bermuda High becomes anomalously shifted from its normal position, conditions conducive to the formation of elevated ozone may occur in many areas of South Carolina. This is mainly the case in the months during the Ozone Season immediately following an El Nino winter. During this period, which only occurs once every 4 or 5 years, the Bermuda High flattens out and builds southwestward well into the Gulf of Mexico. This shifts the moist flow out of the Gulf to the west, well away from the South

With the core of the ridge virtually parked on top of South Carolina, air stagnation can occur. The three main underlying causes of air stagnation under this shifted Bermuda High are lack of horizontal wind flow, a stable boundary layer, and, most importantly, reduced availability of ambient moisture. In such a situation, the lower atmosphere dries out considerably, with less cloud coverage available to absorb the incoming solar radiation (UV) needed for efficient conversion of ozone from its primary component pollutants. In addition, there is much less titration and/or deposition of the pollutant back to its basal components after nightfall, when the UV source is removed. Once ozone formation perpetuates, the stable air mass traps it, pooling it closer to the ground. With little horizontal wind flow available to mix the atmosphere, the pollutant takes much longer to disperse throughout the boundary layer.

Air stagnation under an anomalous Bermuda High occurs far too sparingly to account for every elevated ozone event in South Carolina. Frequently, elevated ozone readings have been monitored when conditions were not altogether favorable for its production in that particular area. It is in these cases where transport of ozone from upwind sources comes into play.

Geography / Topography

The topography of South Carolina is divided into two distinct areas, commonly known as the Piedmont and the Coastal Plain. Spartanburg County is located in the Piedmont Area. The line of demarcation runs from the eastern boundary of Aiken County through central Chesterfield

County to the North Carolina border. Along this line elevations begin at about 300 feet and increase in steps to over 1,000 feet in the extreme northwestern counties, culminating in isolated peaks of 2,000 to over 3,500 feet above mean sea level. East of the line, there are evidences of outcroppings from the lower Appalachians in a ridge of low hills and rather broken country between the Congaree River and the north fork of the Edisto River, and also in a rather hilly and rolling region in the upper Lynches River drainage basin between the Catawba-Wateree and the Great Pee Dee Rivers. In about one-third of the coastal plain (or what is commonly known as the upper coastal plain), the elevations decrease rather abruptly from 300 to 100 feet, thence to the coast. The major part of the coastal area is not over 60 feet above mean sea level.

In this region of lower levels, to the eastward and southward, the great swamp systems of the State predominate. The slope of the land from the mountains seaward is toward the southeast, and all of South Carolina's streams naturally follow that general direction to the Atlantic Ocean. The South Piedmont section of the State is on the eastern slope of the Appalachian Mountains with the main ridge of the mountains about 30 miles west. To some extent these mountains act as a barrier for the wind and tend to protect the area from the full force of the cold air masses during the winter months. The relatively flat areas of the Central Plains and the coastal region allow free air movement and are conducive to effective dispersion of pollutants.

Level of Control of Emission Sources Local Controls

In December 2002, Spartanburg County entered into an EAC with the Department and EPA, Region 4. Each of the Upstate Counties (Spartanburg, Anderson, and Greenville) recognizes the value and importance of the health of the citizens and the related need for clean air; however, each recognizes that individual county planning is the quickest way to achieve results. Through its participation with the EAC, Spartanburg County is exploring countywide local control strategies to be implemented no later than April 2005. These strategies include designating an ozone action coordinator; encouraging the use of hybrid vehicles and alternative fuels; evaluating the use of high occupancy vehicle lanes; implementing open burning restrictions; and supporting Department statewide efforts.

EPA Response: EPA disagrees with the commenter that portions of Anderson, Greenville, and Spartanburg Counties be designated as separate nonattainment areas. Based on air quality information and the Greenville-Spartanburg-Anderson 11 Factor Analysis in Section 6 of the TSD, EPA is designating these counties as one nonattainment area. EPA agrees that Pickens and Cherokee Counties should be designated attainment and our analysis for these counties is provided in the same 11 Factor Analysis.

Comment 1055:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter states that the Department provides in their letter to EPA dated February 20, 2004 "compelling" evidence as to why the Department believes that Cherokee

County should be designated attainment for the 8-hour ozone standard. The commenter's EAC-related information for Cherokee County, South Carolina (Appalachian - A EAC) from the February 20, 2004 letter follows:

1) Based on South Carolina's commitment to "Cleaner Air Sooner," a designation of attainment for Cherokee County is appropriate. The South Carolina General Assembly passed and our Governor signed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground-level ozone. At the end of 2002, 45 of South Carolina's 46 counties entered into EACs to implement ozone reduction strategies earlier than federally required. These counties, along with other government entities, industry, environmental groups, and other stakeholders have worked together both at the local level and state level to develop strategies to reduce ozone pollution. The few counties that have been identified by EPA as potential nonattainment areas are actively participating in the EAC process and are developing local plans to bring cleaner air sooner to their citizens. Most importantly to our future air quality, the 45 counties continue to embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn. These efforts demonstrate a commitment by all involved to protect and improve air quality for the citizens of South Carolina.

2) Through its participation with the EAC, Cherokee County is exploring countywide local control strategies to be implemented no later than April 2005. These strategies include encouraging the use of hybrid vehicles and alternative fuels; promoting route efficiency for delivery-type vehicles; supporting Department statewide efforts; and, designating an Ozone Action Coordinator. A complete listing of the emission reduction strategies for Cherokee County was submitted to EPA in December 2003. This list will be updated in March 2004 upon submittal of the final Cherokee County Early Action Plan.

3) The EAC option requires an expeditious time line for achieving emissions reductions sooner than expected under the 8-hour ozone implementation rulemaking, while providing "fail-safe" provisions for the area to revert to the traditional SIP process if specific milestones are not met. Forty-five of South Carolina's forty-six counties have entered into EACs. This action indicates that the local governments in the State of South Carolina are very concerned with air quality. Many of the counties entering into the EACs do not have problems meeting the air quality standard and yet are still willing to plan and work with other areas to implement controls to ensure early attainment of the standards. Interested stakeholders (i.e., local, State, and Federal government, citizens, public interest groups, and the business community) have been and will continue to be involved in the planning. By signing the EAC, EPA is agreeing to defer the effective date of the nonattainment designation for participating areas. However, areas that enter into an EAC but do not meet all of the terms of the EAC, including established milestones, will forfeit participation and be designated according to requirements within EPA's 8-hour ozone implementation rule. At a minimum, those requirements will include Transportation Conformity and nonattainment MOU. Local areas are required to develop and implement a local early action plan that will promote the area's attainment by December 31, 2007, and maintenance of the standard until at least 2012. The local area must adopt local control strategies necessary to

demonstrate attainment of the 8-hour ozone standard. The final local plan is due to the Department in March 2004.

4) The Department is required to develop and implement a State early action SIP demonstrating the participating area's attainment by December 31, 2007, and maintenance until at least 2012. The Department is currently evaluating the possibility of projecting out to 2017 to evaluate the air quality ten years after the "attainment" date. The SIP is due to EPA by December 31, 2004. The State must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. Potential control strategies were identified to EPA on June 16, 2003. Final strategies are to be implemented no later than April 1, 2005. If the monitors in the nonattainment areas reflect attainment by December 31, 2007, the area will be designated as attainment and no additional requirements will be imposed (i.e., Transportation Conformity and nonattainment MOU

5) SC presented additional information to support its belief that Cherokee County should be designated attainment.

Based on South Carolina's statutory authority to require controls on sources regardless of location, a designation of attainment for Cherokee County is appropriate. The Department has the legal authority to seek emission reductions from any source regardless of where it is located if it adversely impacts air quality. The Department currently has regulations that are more stringent and protective than federal requirements. Further, our recent actions such as addressing NO_x emissions from stationary sources demonstrate our ability and political will to implement controls to improve air quality statewide rather than on an area or county level basis.

Based on state and EPA modeling, a designation of attainment for Cherokee County is appropriate. Preliminary results show that all areas of South Carolina will attain the 8-hour ozone standard by 2007 with the reductions attributed to the NO_x SIP Call and the Tier 2/Low Sulfur Fuel regulations. Additionally, a modeling analysis for the year 2012 demonstrates attainment. The results of this modeling verify the regional modeling completed by EPA, which also demonstrated attainment for all South Carolina areas with implementation of the above programs.

Based on the 2001-2003 quality assured ozone data, a designation of attainment for Cherokee County is appropriate. The monitor in Cherokee County is attaining the 8-hour standard with a DV (DV) of 0.084 ppm. Cherokee County experienced only one exceedance of the standard value (0.085ppm or higher) in 2003 and is bounded by an attaining monitor to the east, southeast, and south. By designating Cherokee County as nonattainment, the citizens would be told that their air quality does not meet the standard when the monitoring data confirms that it does. Based on a comprehensive ozone -forecasting program that covers twenty-nine (29) counties in our state, including Cherokee County, a designation of attainment for Cherokee County is appropriate. South Carolina citizens are alerted on a daily basis during ozone forecasting season as to the predicted quality of the air so that they may take actions as they believe appropriate to better protect their health. The Department has expended and will continue

to expend significant resources to provide this service to our citizens. This daily forecast is a much better indication to the public of when they need to act to avoid exposure to high ozone levels than a nonattainment designation, which is a one-time publication in the Federal Register.

Based on low population and low population density, a designation of attainment for Cherokee County is appropriate. In 2000, Cherokee County had a population of 52,537 and accounted for 5.46 percent of the MSA population. Furthermore, approximately 95 percent of the population is contained in the four counties of Greenville, Spartanburg, Pickens and Anderson, while the remaining 5 percent is contained in Cherokee County. At 133.8 persons per square mile, Cherokee County had the lowest population density in the MSA. In 2020, the population of Cherokee County is projected to grow at 4.33 percent as compared across the MSA, which is the lowest growth rate in the MSA and three and a half times lower than the second lowest growth rate (i.e., Anderson County).

Based on low employee percentages and wide distribution of economic sector employees, a designation of attainment for Cherokee County is appropriate. Cherokee County has the lowest number of employees in the MSA. Greenville, Spartanburg, Pickens and Anderson Counties account for 95.8 percent of the total MSA employees.

Based on the lower MSA point source emissions, a designation of attainment for Cherokee County is appropriate. Cherokee County comprises 7.78 percent of the NOx point source emissions and 5.71 percent of the VOC point source emissions in the MSA.

EPA Response: EPA agrees that Cherokee County should be designated attainment. The basis for our decision may be found in the Greenville-Spartanburg-Anderson 11 Factors Analysis found in Section 6 of the TSD.

Comment 1056:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: The Department provides in their letter to EPA dated February 20, 2004 "compelling" evidence as to why the Department believes that Pickens County should be designated attainment for the 8-hour ozone standard. The commenter's EAC-related information for Pickens County, South Carolina (Appalachian - A EAC) from the February 20, 2004 letter follows:

1) Based on South Carolina's commitment to "Cleaner Air Sooner," a designation of attainment for Pickens County is appropriate. The South Carolina General Assembly passed and our Governor signed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground-level ozone. At the end of 2002, 45 of South Carolina's 46 counties entered into EACs to implement ozone reduction strategies earlier than federally required. These counties, along with other government entities, industry, environmental groups, and other stakeholders have worked

together both at the local level and state level to develop strategies to reduce ozone pollution. The few counties that have been identified by EPA as potential nonattainment areas are actively participating in the EAC process and are developing local plans to bring cleaner air sooner to their citizens. Most importantly to our future air quality, the 45 counties continue to embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn. These efforts demonstrate a commitment by all involved to protect and improve air quality for the citizens of South Carolina.

2) Through its participation with the EAC, Pickens County is exploring countywide local control strategies to be implemented no later than April 2005. These strategies include heavy diesel retrofits and alternative fuels for the county fleet; park and ride programs; and, the development of a "no idling" policy for the County (September 2003). A complete listing of the emission reduction strategies for Pickens County was submitted to EPA in December 2003. This list will be updated in March 2004 upon submittal of the final Pickens County Early Action Plan.

3) The EAC option requires an expeditious time line for achieving emissions reductions sooner than expected under the 8-hour ozone implementation rulemaking, while providing "fail-safe" provisions for the area to revert to the traditional SIP process if specific milestones are not met. Forty-five of South Carolina's forty-six counties have entered into EACs. This action indicates that the local governments in the State of South Carolina are very concerned with air quality. Many of the counties entering into the EACs do not have problems meeting the air quality standard and yet are still willing to plan and work with other areas to implement controls to ensure early attainment of the standards. Interested stakeholders (i.e., local, State, and Federal government, citizens, public interest groups, and the business community) have been and will continue to be involved in the planning. By signing the EAC, EPA is agreeing to defer the effective date of the nonattainment designation for participating areas. However, areas that enter into an EAC but do not meet all of the terms of the EAC, including established milestones, will forfeit participation and be designated according to requirements within EPA's 8-hour ozone implementation rule. At a minimum, those requirements will include Transportation Conformity and nonattainment MOU. Local areas are required to develop and implement a local early action plan that will promote the area's attainment by December 31, 2007, and maintenance of the standard until at least 2012. The local area must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. The final local plan is due to the Department in March 2004.

4) The Department is required to develop and implement a State early action SIP demonstrating the participating area's attainment by December 31, 2007, and maintenance until at least 2012. The Department is currently evaluating the possibility of projecting out to 2017 to evaluate the air quality ten years after the "attainment" date. The SIP is due to EPA by December 31, 2004. The State must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. Potential control strategies were identified to EPA on June 16, 2003. Final strategies are to be implemented no later than April 1, 2005. If the monitors in the nonattainment areas reflect attainment by December 31, 2007, the area will be designated as attainment and no additional requirements will be imposed (i.e., Transportation Conformity and nonattainment MOU).

EPA Response: EPA agrees with the commenter that Pickens County should be designated attainment for the 8-hour ozone standard. Our analysis is provided in the Greenville-Spartanburg-Anderson 11 Factors Analysis in Section 6 of the TSD.

Comment 1057:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter states that the Department provides in their letter to EPA dated February 20, 2004 "compelling" evidence as to why the Department believes that Anderson County should be designated attainment for the 8-hour ozone standard. The commenter's EAC-related information for Anderson County, South Carolina (Appalachian - A EAC) from the February 20, 2004 letter follows:

1) Upon review of the ozone nonattainment area boundary recommendations submitted by the South Carolina Department of Health and Environmental Control (Department) on July 14, 2003, and later amended on November 14, 2003, the United States Environmental Protection Agency (EPA), in a letter dated December 3, 2003, notified the Department of its intent to promulgate designations of nonattainment areas in South Carolina with modifications to the Department's recommendations. Specifically, EPA's response indicated that the entire Greenville-Spartanburg-Anderson MSA (MSA), which is based on the 1990 MSA definition, be designated as one nonattainment area. Such a recommendation would include the full counties of Anderson, Cherokee, Greenville, Pickens, and Spartanburg. The Department remains firm in its request that only portions of Anderson, Greenville, and Spartanburg Counties be designated and that their designations be independent of one another. The Department wishes to take this opportunity to again demonstrate why EPA's proposed modifications are inappropriate. The information and data provided below documents, on a technical basis, the Department's reasons for recommending only a portion of Anderson County as a separate nonattainment area.

2) Based on South Carolina's commitment to "Cleaner Air Sooner," designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The South Carolina General Assembly passed and our Governor signed a concurrent resolution that endorses EACs and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground-level ozone. At the end of 2002, 45 of South Carolina's 46 counties entered into EACs to implement ozone reduction strategies earlier than federally required. These counties, along with other government entities, industry, environmental groups, and other stakeholders have worked together both at the local level and state level to develop strategies to reduce ozone pollution. The few counties that have been identified by EPA as potential nonattainment areas are actively participating in the EAC process and are developing local plans to bring cleaner air sooner to their citizens. Most importantly to our future air quality, the 45 counties continue to embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn. These efforts demonstrate a commitment by all involved to protect and improve air quality for the citizens of South Carolina.

3) In December 2002, Anderson County entered into an EAC with the Department and EPA, Region 4. Each of the Upstate Counties (Anderson, Greenville, and Spartanburg) recognizes the value and importance of the health of the citizens and the related need for clean air; however, each recognizes that individual county planning is the quickest way to achieve results. Through its participation with the EAC, Anderson County is exploring countywide local control strategies to be implemented no later than April 2005. These strategies include designating an ozone action coordinator; encouraging the use of hybrid vehicles and alternative fuels; evaluating the use of high occupancy vehicle lanes; implementing open burning restrictions; and supporting Department statewide efforts. A complete listing of the emission reduction strategies for Anderson County was included in their December 2003 Progress Report and will be updated in March 2004.

4) As part of the EAC process another regulation that the Department is revising in an effort to reduce NO_x emissions statewide is R. 61-62.2, Prohibition of Open Burning. The most significant revisions to this regulation are as follows: deleting the exception for the burning of household trash, modifying the exception for the burning of construction waste, and revising the exception for fires set for the purpose of firefighter training. The burning of household trash and construction waste presents health and environmental concerns for many communities. Elimination of the burning of household trash will result in a statewide reduction of 2,379 tons per year of NO_x and 11,896 tons per year VOC. While the revisions to the burning of construction waste and fires set for the purpose of firefighter training are more difficult to quantify, these revisions will decrease NO_x and VOC emissions from these activities.

5) The EAC option requires an expeditious time line for achieving emissions reductions sooner than expected under the 8-hour ozone implementation rulemaking, while providing "fail-safe" provisions for the area to revert to the traditional SIP process if specific milestones are not met. Forty-five of South Carolina's forty-six counties have entered into EACs. This action indicates that the local governments in the State of South Carolina are very concerned with air quality. Many of the counties entering into the EACs do not have problems meeting the air quality standard and yet are still willing to plan and work with other areas to implement controls to ensure early attainment of the standards. Interested stakeholders (i.e., local, State, and Federal government, citizens, public interest groups, and the business community) have been and will continue to be involved in the planning. By signing the EAC, EPA is agreeing to defer the effective date of the nonattainment designation for participating areas. However, areas that enter into an EAC but do not meet all of the terms of the EAC, including established milestones, will forfeit participation and be designated according to requirements within EPA's 8-hour ozone implementation rule. At a minimum, those requirements will include Transportation Conformity and nonattainment MOU.

6) Local areas are required to develop and implement a local early action plan that will promote the area's attainment by December 31, 2007, and maintenance of the standard until at least 2012. The local area must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. The final local plan is due to the Department in March 2004. The Department is required to develop and implement a State early action SIP demonstrating the

participating area's attainment by December 31, 2007, and maintenance until at least 2012. The Department is currently evaluating the possibility of projecting out to 2017 to evaluate the air quality ten years after the "attainment" date. The SIP is due to EPA by December 31, 2004. The State must adopt local control strategies necessary to demonstrate attainment of the 8-hour ozone standard. Potential control strategies were identified to EPA on June 16, 2003. Final strategies are to be implemented no later than April 1, 2005. If the monitors in the nonattainment areas reflect attainment by December 31, 2007, the area will be designated as attainment and no additional requirements will be imposed (i.e., Transportation Conformity and nonattainment MOU).

Additional Support for an Attainment Designation for Anderson County:

Based on EPA presumptive boundary sizes, designation of a partial and separate nonattainment area for the Anderson boundary is appropriate. Commenter presented a side-by-side comparison of the recommended Atlanta, GA 8-hour ozone nonattainment area and the Greenville -Spartanburg-Anderson, SC MSA, (EPA's presumptive boundary for the upstate). Disturbing observations can be made, given that EPA has indicated that these will be the 8-hour ozone nonattainment boundaries for the respective areas. The five counties that make up the Greenville -Spartanburg-Anderson MSA average 641.8 square miles per county. In contrast, the Atlanta area includes 20 counties with an average size of 324.5 square miles per county. The comparative land areas and populations demonstrate a severe inequity in setting boundaries based on EPA's presumptive boundaries.

Based on 2003 MSA Definitions, designation of a partial and separate nonattainment area for the Anderson boundary is appropriate. Anderson County is located in the Upstate Region of South Carolina. Upon analysis of the 2000 Census, including the population dynamics and commuting data, the Office of Management and Budget (OMB) decided to create three separate MSA in the Upstate Region, which indicates that these areas are reasonably detached. The 2003 OMB designations provide justification on a technical basis and helps to substantiate the Department's recommendation of separate nonattainment areas in the Upstate Region.

Based on the 2003 MSA definitions, the Upstate Region is divided into three distinct MSAs:

1. Anderson, SC MSA, (Anderson County, SC)
2. Greenville, SC MSA, (Greenville County, SC; Laurens County, SC; Pickens County, SC)
3. Spartanburg, SC MSA, (Spartanburg County, SC)

Two separate Combined Statistical Areas were also designated for the Upstate Region in 2003:

1. Greenville -Anderson-Seneca, SC Combined Statistical Area (Anderson, SC MSA; Greenville, SC MSA; Seneca, SC Micropolitan Statistical Area)
2. Spartanburg-Gaffney-Union, SC Combined Statistical Area (Gaffney, SC Micropolitan Statistical Area; Spartanburg, SC MSA; Union, SC Micropolitan Area)

These definitions reflect the Standards for Defining Metropolitan and Micropolitan Statistical Areas

that the OMB published on December 27, 2000, in the Federal Register (65 FR 82228 - 82238), and the application of those standards to Census 2000 population and journey-to-work data. The general concept of a MSA or a Micropolitan Statistical Area is that of an area containing a recognized population nucleus and adjacent communities that have a high degree of integrations with the nucleus. For these reasons, the OMB has saw fit to break apart the Greenville-Spartanburg-Anderson MSA.

Furthermore, the CAA's requirement of MSAs or Consolidated MSAs as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal by EPA concerning implementation of the 8-hour ozone standard, the violating monitors in the Upstate would be classified as marginal. The OMB has defined metropolitan areas for statistical purposes to include the collection, tabulation, and publication of data by Federal agencies for geographic areas to facilitate the uniform use and comparability of data on a national scale. This was recently confirmed in the December 27, 2000, Federal Register notice concerning Standards for Defining Metropolitan and Micropolitan Statistical Areas by the OMB. The Department asserts that designating areas under the National Ambient Air Quality Standards is indeed a nonstatistical program. For EPA to default to a presumptive boundary for "consistency" purposes stifles the creativity to improve air quality as expeditiously as possible to bring clean air to the public and rewards those who choose to wait. EPA's broad-brush approach discourages initiatives by local areas, counties, and states to be proactive. For EPA to default to its presumptive boundaries rather than allowing the use of its published criteria significantly changes Congressional intent and EPA's guidelines to a "presumptive norm." Throughout the rest of this summary of the Anderson nonattainment area recommendation, any statistical analysis or evaluation of data will be conducted in comparison to the EPA's presumptive nonattainment area, which includes Greenville, Spartanburg, Anderson, Pickens, and Cherokee Counties (Greenville-Spartanburg-Anderson MSA).

Based on low population and low population density, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The recommended boundary captures 84.45 percent of the population and 69.92 percent of the land area, and the boundary includes the most densely populated land areas within the county. In fact, approximately 13.8 percent of Anderson County's land area contains an estimated 95 percent of the county's urban population. Moreover, the recommended area, which covers a large percentage of the land area, captures this "contained" urban population.

Based on low employee percentages and wide distribution of economic sector employees, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The recommended boundary captures 92.76 percent of the manufacturing employees and 90.81 percent of the manufacturing establishments. Given that the vast majority of the manufacturing establishments and employees in the county are located in the recommended area, that the county is predominantly urban, and that the recommended area contains the urbanized areas in the county, it is reasonably assumed that the majority of the retail trade employees and establishments in the county, as well as other businesses, are contained within the recommended area boundary.

Based on the point source emissions data, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The recommended boundary captures 99.9 percent of the total point source NOx emissions and 98.9 percent of the total point source VOC emissions.

Based on commuter flow, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. According to the U.S. Census Bureau, 81.96 percent of workers in the Greenville -Spartanburg-Anderson MSA, work in the same county they live in. Anderson County accounts for 16.53 percent of the working population in the MSA, workers living in Anderson and commuting to other counties in the MSA account for only 4.48 percent of the entire MSA worker flow.

Based on South Carolina's statutory authority to require controls on sources regardless of location, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. The Department has the legal authority to seek emission reductions from any source regardless of where it is located if it adversely impacts air quality. The Department currently has regulations that are more stringent and protective than federal requirements. Further, our recent actions such as addressing NOx emissions from stationary sources demonstrate our ability and political will to implement controls to improve air quality statewide rather than on an area or county level basis. In fact, in a recent permit application from Santee-Cooper (Rainey), the Department required that VMT (SCR) controls be installed on units 1A and 1B. Both units will be operating with SCR controls by April 1, 2005.

Based on state and EPA modeling, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. Preliminary results show that all areas of South Carolina will attain the 8-hour ozone standard by 2007 with the reductions attributed to the NOx SIP Call and the Tier 2/Low Sulfur Fuel regulations. Additionally, a modeling analysis for the year 2012 demonstrates attainment. The results of this modeling verify the regional modeling completed by EPA, which also demonstrated attainment for all South Carolina areas with implementation of the above programs.

Based on the 2001-2003 quality assured data, designation of a partial and separate nonattainment boundary for the Anderson area is appropriate. While the monitor in Anderson County is violating the 8-hour standard, it is bounded by attaining monitors in Oconee, Pickens, and Abbeville Counties. Furthermore, the Department believes that the Powdersville monitor is most representative of the recommended boundary area. The monitor in Abbeville County is more representative of conditions in southern Anderson County, which the Department is not recommending for nonattainment designation. Anderson County experienced only one exceedance of the ozone standard value (0.085 ppm or higher) in 2003.

Based on the unique transportation and air quality planning programs, designation of a partial

and separate nonattainment boundary for the Anderson area is appropriate. The Anderson Area Transportation Study (ANATS) performs transportation planning specific for the urbanized portion of the county. Similarly, the Department has a regional environmental office located in Anderson County that monitors compliance of the regulated sources within Anderson and Oconee Counties.

Supporting Documentation for Anderson Nonattainment Area Boundary Recommendation

A. Emissions and Air Quality in Adjacent Areas (Including Adjacent MSAs)

To evaluate the emissions in Anderson County and adjacent counties, the Department utilized the estimated 1999 oxides of nitrogen (NO_x) and VOC emissions. The types of NO_x and VOC emission sources that were evaluated include point, area, biogenic, and off-road and on-road mobile sources.

B. Population Density and Degree of Urbanization Including Commercial Development (Significant Difference from Surrounding Areas)

In 2000 Anderson County's population was 165,740, and covering 718 square miles, Anderson County had a population density of 230.8 persons per square mile. The majority of Anderson County's population was urban as 58.3%, or 96,680 persons, resided mostly in urbanized areas and clusters. Using Geographical Information Systems (GIS), the Department estimated the recommended area in Anderson County to be 502.01 square miles. Likewise, the estimated population of the recommended area is 139,961, and the population density is 278.8 persons per square mile. The recommended area captures 84.45% of the population of Anderson County.

D. Location of Emission Sources

Commenter listed the NO_x point sources that are in operation in Anderson County and the other four

MSA counties based on the 1999 NO_x point source emissions inventory, which is routinely submitted to the National Emissions Inventory database. Anderson County has 33 NO_x point sources in operation and 31 of these point sources are located within the nonattainment area. Facilities in Anderson County that are notated with an asterisk are located outside of the proposed boundary; all other facilities in Anderson County are located within the proposed boundary. Anderson County accounts for 40.81% of the total MSA NO_x point source emissions. The recommended boundary captures 99.9% of the total point source NO_x emissions.

EPA Response: EPA disagrees with the commenter that Anderson County should be designated attainment. A monitor that is violating the standard is located in the County. EPA is designating the entire County as nonattainment and our full analysis is provided in the Greenville-Spartanburg-Anderson 11 Factors Analysis found in the TSD.

Comment 153:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter asserts that Pickens and Anderson County should be included in their entirety as part of the Greenville/Spartanburg/Anderson nonattainment area.

EPA Response: EPA disagrees with the commenter that Pickens should be nonattainment. There is not a violating monitor in Pickens County and as a result of our 11 factor analysis EPA, we do not believe that Pickens County is contributing to a violation in a nearby area. Thus we are designating Pickens as attainment. We agree with the commenter that Anderson County should not be designated separately and we are including it as part of the Greenville-Spartanburg-Anderson nonattainment area.

Comment 157:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter asserts that South Carolina should designate all of Greenville County as part of a five-county nonattainment area.

EPA Response: We agree that Greenville County should be included as part of the Greenville-Spartanburg-Anderson nonattainment area and should not be designated as a separate area. Our full analysis for the Greenville-Spartanburg-Anderson Nonattainment area may be found in chapter 6 of the TSD.

Comment 158:

Region: 4

State: SC

Area: Greenville-Spartanburg-Anderson, SC

Comment: A commenter asserts that EPA should designate a broader MSA designation than the proposed Spartanburg nonattainment area. South Carolina recommended only portions of Spartanburg and Cherokee counties to be designated. VMT, monitoring, and point source emissions are not addressed appropriately.

EPA Response: While EPA agrees that the Spartanburg area should be broader than that recommended by the State, we do not believe that Pickens and Cherokee Counties should be designated nonattainment as part of that area. We have included Spartanburg as part of the Greenville-Spartanburg-Anderson nonattainment area and our full analysis for the counties included in and excluded from that nonattainment area may be found in the analysis for the Greenville-Spartanburg-Anderson Nonattainment Area in the TSD.

Comment 150:

Region: 4

State: SC; GA; NC

Area: Greenville-Spartanburg-Anderson, SC; Aiken, SC; Augusta,

GA;Charlotte-Gastonia-Rock Hill, NC-SC

Comment: A commenter asserts that South Carolina fails to designate multi-county urban areas which comprise single MSAs as single nonattainment areas. For example, Greenville and Spartanburg are designated as two separate nonattainment areas. Other examples include the Augusta/Aiken and Charlotte/Gastonia/Rock Hill MSAs.

EPA Response: In general, EPA agrees with the commenter that it is inappropriate to divide MSAs or C/MSAs into multiple nonattainment areas, although there are exceptions. Our final designation decision for each of the areas identified by the commenter is identified in the justification section of the TSD and in the regulatory tables that will be incorporated into 40 CFR part 81. We note that based on 2001 - 2003 air quality data, the counties in the Augusta/Aiken area will be designated attainment.

Comment 1069:

Region: 4

State: TN

Area:

Comment: A commenter asserts that the National Park Service concurs with the State of North Carolina's recommendation to EPA to designate the entire North Carolina side of the Great Smoky Mountains National Park as nonattainment.

The National Park Service is concerned about the appropriateness of the nonattainment area boundary recommendations by the state of Tennessee for the Great Smoky Mountains National Park as indicated in a July 14, 2003 letter to EPA. The NPS disagrees with the state's recommendation to assign two separate nonattainment designations based upon the high and low elevation monitors, and the NPS recommends that EPA keep the Tennessee side of the Park in the Knoxville MSA ozone nonattainment area. NPS lands may be considered rural in setting, and are often impacted by ozone or ozone precursor transport, and often have negligible ozone-relevant emissions contained within their boundaries, especially when compared to emissions in areas surrounding these lands. NPS concerns for treatment of park units under the CAA section 107(d) process range from splitting up areas of a park that lie in a single air shed to isolation of Park areas on paper from relatively nearby ozone source areas regardless of the severity of the contribution of the latter to ozone levels affecting Parks' air quality and ozone-sensitive resources. Additionally, ozone levels at the park indicate that they are sufficient to cause visible injury, growth reductions, and species composition changes to vegetation and can represent ozone exposures below the 8-hour ozone standard of 0.85 ppb.

Following are NPS' guiding principles for park units with regards to designation:

* For an affected park unit in or near an urban (e.g., MSA), 8-hour ozone nonattainment area, the park should be coupled with the metropolitan nonattainment area. The park may later be de-coupled from the urban portion if and when the urban area or the park meets the standard and the other does not.

* Unless a park area is clearly in more than one air shed, with ozone air quality being markedly different air sheds, the entire park should share the same designation status.

* Except in very limited circumstances, park areas should not be designated as rural transport nonattainment areas under CAA Section 182(h).

EPA Response: EPA is designating the whole of Blount County and Sevier County, which are both in the Knoxville, TN MSA, as part of the Knoxville nonattainment area. These counties each contain one or more violating monitors which are located in the portion of the counties that are within the boundary of the Great Smoky Mountains National Park. See the 11 factor analysis for the Knoxville, TN MSA which contains Blount County and Sevier County. This 11 factor analysis is located in Chapter 6 of this TSD.

Comment 214:

Region: 4

State: TN

Area:

Comment: A commenter notes that Tennessee's recommendations for nonattainment counties differ from EPA's. Tennessee has not received a response from EPA on the state's initial response to EPA's December 3, 2003 recommendations. Tennessee asked if EPA was listing additional counties simply because of their inclusion in an MSA with at least one nonattaining area or if they were included solely because of their participation in an EAC. If it is EPA's intent to name a county as nonattainment simply because of its participation in an EAC, there is no legal basis for their inclusion. Tennessee considered the factors of the March 28, 2000 boundary guidance in making its recommendations. It is not clear if EPA conducted a similar analysis.

EPA Response: The designation of an area as attainment or nonattainment is based on a state's recommendation, monitoring information regarding whether an area is violating the 8-hour standard, and an analysis of the 11 factors in EPA's March 28, 2000, guidance on designations. We are not designating county based solely on that county's participation in an EAC.

Comment 1036:

Region: 4

State: TN

Area: Chattanooga TN-GA

Comment: A commenter expresses some concern that EPA may consider Walker County part of a larger metropolitan nonattainment area because of the proximity to Hamilton County, Tennessee. It is the commenter's position that Walker County should not be included in the larger nonattainment area solely because it is in the same MSA.

EPA Response: EPA agrees with the State's recommendation to designate Walker County as attainment. This county has no violating monitor and based on our analysis is not contributing to

a violation in a nearby area. See the supporting 11 factor analysis in Chapter 6 of the TSD.

Comment 215:

Region: 4

State: TN

Area: Chattanooga TN-GA

Comment: A commenter asserts that Hamilton County should be designated nonattainment, and Marion County should be attainment. It does not contribute a significant amount of ozone forming emissions to the area. The county is relatively rural (79.3%) and represents only 6% of the total MSA population.

Meigs County is entirely rural in its population distribution and contributes just 2% to the MSA's population. There are virtually no stationary NO_x or VOC sources in the county. Only the area southwest of the Hiwassee River in Meigs County should be designated nonattainment.

EPA Response: EPA agrees with the comments regarding Hamilton and Marion counties. However, Meigs County has a monitor violating the standard and EPA believes that the full county should be designated nonattainment.

Comment 216:

Region: 4

State: TN

Area: Clarksville-Hopkinsville, TN-KY

Comment: A commenter does not recommend that Montgomery County should be nonattainment. There is evidence that transport from other areas in northern Kentucky and further north are contributing to ozone levels monitored in Kentucky. Fort Campbell is located in this area and is suspected of being the single largest contributor of mobile source emissions. It is unclear how mobile emissions from this installation could be mitigated and managed without federal acknowledgment and intervention.

EPA Response: Based on the technical support submitted by Tennessee, and our 11 factor analysis, EPA believes that Montgomery county is contributing to the ozone violations monitored in the Clarksville - Hopkinsville CMSA, and should be designated as part of that nonattainment area. The 11 factor analysis for the Clarksville-Hopkinsville TN-KY MSA can be found in chapter 6 of the TSD.

Comment 106:

Region: 4

State: TN

Area: Johnson City-Kingsport-Bristol, TN

Comment: A commenter would like Washington County, Tennessee to no longer appear as a

recommended nonattainment area given that Washington County is a full partner in an EAC, has a low population density, low VMT, and does not significantly contribute to Kingsport's ozone problem.

EPA Response: EPA is designating Washington County, TN as attainment for the 8-hour ozone NAAQS, consistent with the State's revised recommendation. The county is not violating the standard and our review of the 11 factor analysis for the Tri-Cities area (Johnson City-Kingsport-Bristol MSA), which is located in Chapter 6 of the TSD, indicates Washington County is not contributing to a violation in a nearby area.

Comment 1046:

Region: 4

State: TN

Area: Johnson City-Kingsport-Bristol, TN

Comment: A commenter asks you that you designate Washington County as being in attainment with the CAA.

EPA Response: STAFF BRIEFING NOTES - PREDECISIONAL - 3/26/04

11 Factor Analyses for Tri-Cities

| | | |
|--------------------------------------|--|--|
| Area | EPA Recommendation | State Recommendation |
| Johnson City-Kingsport-Bristol TN-VA | Full counties: Carter, Hawkins, Sullivan, Unicoi, Washington | Full counties: Sullivan Drop counties: Carter, Hawkins, Unicoi, Washington |

The following is a brief summary of the 11 criteria for the Tri-Cities area including Carter, Hawkins, Sullivan, Unicoi, and Washington Counties, TN, and Bristol City, Scott and Washington Counties, VA. These analyses were based on existing available data.

Factor 1: Emissions and air quality in adjacent areas

Region 4's analysis for factor 1 looked at NO_x and VOC emissions and emission densities and square miles. The following table has the NO_x and VOC emissions for the counties in the Johnson City-Kingsport-Bristol (Tri-Cities) MSA with the percent of the MSA totals. The number in parentheses represent the national ranking for counties in nonattainment areas done by OAQPS.

| County | NO _x | %NO _x | VOC | %VOC | NO _x | Density | VOC Density |
|----------|-----------------|------------------|-------|------|-----------------|---------|-------------|
| Carter | 2246 | (458) | 4 | 4801 | (380) | 10 | 7 14 |
| Hawkins | 17952 | (165) | 31 | 5899 | (334) | 12 | 37 12 |
| Sullivan | | 25353 | (116) | 43 | 23867 | (101) | 48 61 58 |
| Unicoi | 831 | (495) | 1 | 1021 | (498) | 2 | 5 6 |

| | | | | | | | |
|----------------|------------|---|------------|----|----|-----|-----|
| Washington | 5217 (367) | 9 | 7425 (290) | 15 | 16 | 23 | |
| Bristol CityVA | 1479 | | 3 1841 | | 4 | 123 | 153 |
| Scott, VA | 2017 | 3 | 1534 | 3 | 4 | 3 | |
| Washington,VA | 3721 | 6 | 3250 | 7 | 7 | 6 | |

Based on the analysis for this factor there appears to be emissions that contribute to air quality in Carter, Hawkins, Sullivan, Unicoi, and Washington Counties in which Sullivan contains the violating monitor.

Factor 2: Population density and degree of urbanization including commercial development

The following table has the populations for the counties in the Tri-Cities MSA. The number in parentheses represent the national ranking for counties in nonattainment areas done by OAQPS. Urban population figures were not available.

| County | 2000 Population | Population Density |
|------------------|-----------------|--------------------|
| Carter | 56,742 (388) | 166 |
| Hawkins | 53,563 (398) | 110 |
| Sullivan | 153,048 (219) | 369 |
| Unicoi | 17,667 (493) | 95 |
| Washington | 107,198 (297) | 329 |
| Bristol City, VA | 17,367 | 1447 |
| Scott, VA | 23,403 | 44 |
| Washington, VA | 51,103 | 91 |

Based on the analysis for this factor, there appears to be population sufficient to indicate a contribution by Carter, Hawkins, Sullivan, Unicoi, and Washington.

Factor 3: Monitoring data representing ozone concentration in local areas and larger areas

Sullivan: 1 ozone monitor 2001-2003 .086ppm

Sullivan County has a monitor showing a violation of the 8-hour standard based on 2001-2003 ambient air monitoring data of 0.086 parts per million. However, further examination of the 11 factors shows that Carter, Hawkins, Unicoi, and Washington Counties likely contribute to the violation recorded in Sullivan County.

Factor 4: Location of emission sources

Hawkins: Point source NO_x 39% of overall NO_x for MSA
Point source VOC 9% of overall VOC for MSA

Sullivan- Point source NO_x 54% of overall NO_x for MSA
Point source VOC 67% of overall VOC for MSA

Washington- Point source NOx 1% of overall NOx for MSA
Point source VOC 9% of overall VOC for MSA

Carter- Point source NOx 2% of overall NOx for MSA
Point source VOC 6% of overall VOC for MSA

Unicoi- Point source NOx less than 1% of overall NOx for MSA
Point source VOC 1% of overall VOC for MSA

Scott- Point source NOx less than 1% of overall NOx for MSA
Point source VOC 2% of overall VOC for MSA

Washington, VA- Point source NOx 3% of overall NOx for MSA
Point source VOC 6% of overall VOC for MSA

There are large stationary sources in Hawkins, Sullivan, and Washington Counties. Mobile source emissions were evaluated using vehicle miles traveled (VMT) and traffic patterns as surrogates. Mobile factors are discussed more under criteria 5.

Based on analysis of this factor there appear to be emissions in Hawkins, Sullivan, and Washington Counties sufficient to indicate a contribution to air quality.

Factor 5: Traffic and commuting patterns

Commuting Information

Sullivan County, the DV county, has a total of 67,101 commuters.

- Commuters from Sullivan County to Washington County: 7,171
- Commuters from Sullivan County to Bristol City, VA: 4,233
- Commuters from Sullivan County to Washington County, VA: 2,530
- Commuters from Sullivan County to Hawkins County: 1,494
- Commuters who remain in Sullivan County: 48,100

Washington County, an MSA county, has a total of 50,659 commuters.

- Commuters from Washington County to Sullivan County: 7,211
- Commuters from Washington County to Carter County: 1,217
- Commuters who remain in Washington County: 37,367

Carter County, an MSA county, has a total of 25,043 commuters.

- Commuters from Carter County to Washington County: 9,688
- Commuters from Carter County to Sullivan County: 1,860
- Commuters who remain in Carter County: 10,899

Hawkins County, an MSA county, has a total of 22,167 commuters.

- Commuters from Hawkins County to Sullivan County: 5,953
- Commuters who remain in Hawkins County: 10,899

The following table has the percent drive to work within the MSA and VMT (millions of miles) for the counties in the Macon MSA. The number in parentheses represent the national ranking for counties in nonattainment areas done by OAQPS.

| County | % drive to work | VMT |
|------------------|-----------------|------------|
| Carter | 92 | 503 (422) |
| Hawkins | 82 | 449 (434) |
| Sullivan | 96 | 1798 (200) |
| Unicoi | 93 | 135 (494) |
| Washington | 92 | 1184 (280) |
| Bristol City, VA | 95 | 315 |
| Scott, VA | 89 | 320 |
| Washington VA | 86 | 698 |

Based on the analysis for this factor there is contribution to air quality in Carter, Hawkins, Sullivan, and Washington Counties.

Factor 6: Expected growth

The following table has the population and population growth figures for the Tri-Cities MSA counties. The number in parentheses represent the national ranking for counties in nonattainment areas done by OAQPS.

| County | 2000 Population | % growth (90-00) | % growth(00-10) | 2010-2000(1000's) |
|------------------|-----------------|------------------|-----------------|-------------------|
| Carter | 56742 (388) | 10.2 | -5.5 | -3 |
| Hawkins | 53563 (398) | 20.2 | 1.8 | 1 |
| Sullivan | 153048 (219) | 6.6 | 2.3 | 4 |
| Unicoi | 17667 (493) | 6.8 | 2.2 | 0 |
| Washington | 107198 (297) | 16.1 | 8.2 | 9 |
| Bristol City, VA | 17367 | -5.7 | -3.3 | -1 |
| Scott, VA | 23403 | 0.9 | -3.4 | -1 |
| Washington, VA | 51103 | 11.4 | 4.9 | 3 |

Based on the analysis for this factor, there appears to be significant growth in Hawkins, Unicoi, and Washington Counties, on a percentage basis, to indicate a contribution to the air quality in Bibb County.

Factor 7: Meteorology

Hawkins, Sullivan, Washington- wind data representative of county. Predominant wind direction and speed is from S, SW @ 7-10 knots. Mean high temperature for July is 84.8 F, while to mean

low is 63.5 F. Mean July precipitation is 4.2 inches.
This factor did not play a significant role in the decision making process.

Factor 8: Geography/topography

Hawkins- located in the ridge and valley terrain of the East Grand Division of the state, N of I-81 and just W of the Kingsport area bordering Virginia.

Sullivan- located in the Valley and Ridge region of the Appalachian Mountains in the East Grand Division of the state. Along the I-81 corridor.

Washington- located in the Valley and Ridge region of the East Grand Division of the State, SE portion of MSA. SE portion of county is in elevated terrain within the boundary of the Cherokee National Forest

The Tri-Cities area does not have any geographical or topographical boundaries limiting its airshed.

Factor 9: Jurisdictional boundaries

This factor did not play a significant role in the decision making process.

Factor 10: Level of control of emission sources

Hawkins, Sullivan, Washington- Subject to Prevention of Significant Deterioration (PSD) requirements, Control Technology Guidelines Reasonable Available Control Technology (CTG RACT), Maximum Achievable Control Technology (MACT) for Hazardous Air Pollutants (HAP), New Source Performance Standards (NSPS)

Factor 11: Regional emissions reductions

Tennessee is subject to the NOx SIP call.

Comment 1103:

Region: 4

State: TN

Area: Johnson City-Kingsport-Bristol, TN

Comment: A commenter feels that Washington County should have a designation of attainment. Ozone levels are low in Northeast Tennessee. The only monitor that indicates a problem in the area is in the adjacent Kingsport MSA, and is two parts per billion over the standard. The current Washington CMSA does not have an ozone monitor.

In the absence of real time data or a documented problem, the consequences of placing a

county under the nonattainment designation is too great. Washington County has and will continue to take the lead to insure that ozone levels keep declining. There has been cooperative effort there for several years, the Ozone Action Partnership, to reduce ozone on critical days.

EPA Response: EPA is designating Washington County, TN as attainment for the 8-hour ozone NAAQS consistent with the State's revised recommendation. The area is not violating the standard and our 11 factor analysis for the Johnson City-Kingsport-Bristol MSA, which is in chapter 6 of the TSD, indicates that Washington County is not contributing to a violation in a nearby area.

Comment 1105:

Region: 4

State: TN

Area: Johnson City-Kingsport-Bristol, TN

Comment: A commenter reaffirms their nonattainment recommendations from their February 12, 2004 letter to EPA, with the exception that they now recommend Washington County as attainment. They request that EPA reconsider their proposal and only name the counties recommended in this submittal as nonattainment. Tennessee took into account the 11 factors of the March 28, 2000 boundary guidance factors in making its recommendations.

The following counties were recommended for nonattainment by Tennessee in the February 12, 2004 letter and continue to be recommended for nonattainment: Hamilton, portions of Meigs, Sullivan, Anderson, Blount, Knox, Loudon, Sevier, portions of Jefferson and the GSMNP area, Shelby, Davidson, Rutherford, Sumner, Williamson, and Wilson.

Tennessee has reevaluated its recommendation of Washington County and now recommends that the county be designated as attainment. Washington County, after further evaluation, is not making a significant contribution to the ozone forming emissions in the Johnson City-Kingsport-Bristol MSA. NO_x is only 1% of the point source strength, and preliminary modeling shows attainment by 2007. Washington County will also be part of a new MSA under the 2000 Census. This new classification will increase the difficulty in addressing nonattainment planning because the county would not be a part of the other MSA in which Sullivan County is located.

Tennessee provides new supporting data for their change in recommendation for Washington County and further supporting data for their Clarksville-Hopkinsville MSA recommendation.

EPA Response: EPA is designating Washington County, TN as attainment for the 8-hour ozone NAAQS, consistent with the State's revised recommendation. The county is not violating the ozone NAAQS and our 11 factor analysis for the Johnson City-Kingsport-Bristol MSA, which is in chapter 6 of the TSD, indicates that Washington County is not contributing to a violation in a nearby area.

Comment 217:**Region: 4****State: TN****Area: Johnson City-Kingsport-Bristol, TN**

Comment: A commenter agrees with EPA that Sullivan and Washington Counties should be designated nonattainment. Carter, Hawkins, and Unicoi Counties should be attainment. Carter County represents only 2% of the NOx point source emissions in the area. Hawkins County could be making a contribution to ozone forming emissions; however, the electric generating facility in Hawkins County is subject to the NOx SIP call, and at minimum would be required to add low NOx burner controls thereby significantly reducing the impact to the area. Unicoi County is not making a significant contribution to the ozone forming emissions in the area, representing less than one percent of the NOx point source emissions strength and about 3% of the mobile source NOx and VOC emissions.

EPA Response: EPA agrees that Carter and Unicoi counties should be designated attainment. Consistent with the State's revised request, we are designating Washington County as attainment. Based on the 11 factor analysis for the Johnson City-Kingsport-Bristol MSA, especially the large NOx emissions in Hawkins County, EPA believes Hawkins County should be designated nonattainment. The 11 factor analysis for all counties in the Johnson City area can be found in Chapter 6 of the TSD.

Comment 1045:**Region: 4****State: TN****Area: Johnson City-Kingsport-Bristol, TN**

Comment: A commenter respectfully requests that you designate Washington County (TN) as being in attainment with the CAA.

EPA Response: EPA is designating Washington County, TN as attainment for the 8-hour ozone NAAQS, consistent with the revised request submitted by the State. The county does not have a violating monitor and, based on our 11 factor analysis for the Tri-Cities area, which is located in Chapter 6 of the TSD, is not contributing to a violation in a nearby area.

Comment 42:**Region: 4****State: TN****Area: Knoxville, TN; Haywood & Swain Cos (Great Smoky NP), NC**

Comment: A commenter proposes that the higher elevations of the Great Smoky Mountain National Park be designated as nonattainment, but the part of Blount County outside of the national park should be designated attainment. Reasons include Blount County's participation in an EAC, long range transport affecting the Park monitors, differences in the DVs between Cades

Cove and Clingman's Dome, and the fact that no vehicle inspection and maintenance testing program is currently proposed for Blount County.

EPA Response: EPA believes that Blount and Sevier Counties are contributing to the nonattainment monitor values in the Tennessee side of the Great Smoky National Park. Therefore based on an 11 factor analysis of the Knoxville MSA, EPA is designating the whole counties of Blount and Sevier as nonattainment. The 11 factor analysis is located in chapter 6 of the TSD.

Comment 218:

Region: 4

State: TN

Area: Knoxville, TN

Comment: A commenter agrees with EPA's recommendation that Anderson, Blount, Knox, Loudon, and Sevier should be designated nonattainment. Union County should be designated attainment. Union County is almost entirely rural, with only 3% of the total population of the MSA.

Jefferson County represents less than one percent of the NO_x point source emissions and about 7% of the VOC emissions with mobile source emissions of 12% and 8%, respectively. These emissions are primarily located along or near Highway 11 and the I40 corridors through the county. A partial county area extending from I40 northward to include all of Jefferson county beyond the interstate should be designated nonattainment.

The area encompassed by Great Smoky Mountains National Park (GSMNP) boundaries in NC and TN should be designated nonattainment separate from the remaining nonattainment area in this MSA. The lack of emission sources and the differences between high and low elevation monitor readings were cited.

EPA Response: EPA agrees that Union county should be designated attainment, based on the 11 factor analysis for the Knoxville MSA. This analysis can be found in chapter 6 of the TSD. For Jefferson County, EPA is designating the whole county. The county contains a violating monitor and EPA believes it is representative of air quality throughout the county. EPA is designating the whole of Blount and Sevier Counties as nonattainment and including those areas as part of the Knoxville nonattainment area; we are not creating a separate nonattainment area for the portions of these counties within the boundary of the Smoky Mountains National Park. EPA believes that emissions for the Knoxville MSA (including Blount and Sevier Counties) contribute to violating measurements at the monitors located on the Tennessee side of the Park in Blount and Sevier Counties.

Comment 219:

Region: 4

State: TN

Area: Memphis, TN-AR-MS

Comment: A commenter asserts that Shelby County should be designated nonattainment, and Fayette and Tipton Counties should be attainment. Fayette County is entirely rural. Tipton County is predominantly rural. Population, point source emissions, and mobile source emissions contributions to the MSA were cited as evidence of the insignificant impact of these counties.

EPA Response: EPA agrees with the commenter for the reasons provided in the 11 factor analysis for the Memphis MSA. The 11 factor analysis can be found in Chapter 6 of the TSD.

Comment 220:

Region: 4

State: TN

Area: Nashville, TN

Comment: A commenter agrees with EPA that Davidson, Rutherford, Sumner, Williamson, and Wilson Counties should be designated nonattainment. Cheatham, Dickson, and Robertson counties should be attainment. Cheatham County is 93.2% rural with only 3% of the MSA population. Dickson County is relatively rural (68.8%) with only 3% of the MSA population. Robertson County is relatively rural (57.8%) with only 4.5% of the MSA population. Data are also presented citing the minor contributions of NO_x and VOC emissions to the MSA.

EPA Response: EPA agrees with the commenter for the reasons provided in the 11 factor analysis for the Nashville MSA. This 11 factor analysis can be found in Chapter 6 of the TSD.

Comment 1047:

Region: 4

State: TN

Area: Nashville, TN

Comment: A commenter asks that you designate Dickson County as being in attainment with the CAA, as recommended by the State of Tennessee.

EPA Response: EPA is designating Dickson County, TN as attainment with the 8-hour ozone NAAQS. See the TSD for justification of this designation.

3.5 Responses to Comments
EPA Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin)

Comment 67:

Region: 5

State: IL

Area:

Comment: A commenter expressed satisfaction with the EPA decision to accept IL's recommended 8-hour ozone attainment/nonattainment boundaries without modification. Quality assured 2003 data confirm the original recommendation.

EPA Response: The EPA has reviewed the quality assured data for 2001-2003, and agrees with the State that the data confirm that only the Chicago and St. Louis/Metro-East St. Louis areas in Illinois are currently violating the 8-hour ozone standard.

Comment 163:

Region: 5

State: IL

Area: Chicago-Gary-Lake County, IL-IN

Comment: A commenter notes the following with regards to the Chicago MSA:

1)Illinois EPA uses population density as an excuse to exclude counties in the Chicago CMSA from inclusion in what should be the 8-hour nonattainment area. IEPA fails to mention that areas already in existing 1-hour nonattainment areas in the state already have lower population densities than the counties being excluded.

2)Emissions from vehicles and smaller pollution source remain a problem with growing suburban development in formerly rural areas. Areas on the fringe of the Chicago region, where residents must drive large distances for access to jobs, services, and other needs, and who are not required to comply with many clean air programs now required in the one-hour nonattainment area, are creating a disproportionate share of the pollution problem for the rest of the residents in the Chicago region.

3)There is significant variation in ozone levels measured at monitors only a few miles apart in the Chicago region, exhibiting an ozone concentration spread of 16 to 20 parts per billion between monitored peak ozone concentrations. Since the Braidwood monitor in Will County has an eight-hour ozone DV of 80 parts per billion, one could conclude that peak ozone concentrations may be above the health-based standard in nearby Grundy and Kankakee Counties.

EPA Response: Each of the commenter's points is addressed below:

(1) To further elaborate on the commenter's first point, it is noted that the commenter justifies the comment by pointing out that the population and population density of Monroe County, which is included in the recommended St. Louis 8-hour ozone nonattainment area, is lower than the

populations and population densities of Kankakee, DeKalb, and Grundy Counties. The 2000 population of Monroe County was 27,619, with a population density of 71 persons per square mile. In comparison, the 2000 populations and population densities of Kankakee, DeKalb, and Grundy Counties are: Kankakee County (103,883 and 153 persons per square mile); DeKalb County (88,969 and 140 persons per square mile); and Grundy County (37,535 and 89 persons per square mile).

Several aspects of the referenced counties are noted here. First, it should be noted that Monroe County is part of the St. Louis 1-hour ozone nonattainment area, whereas Kankakee and DeKalb Counties and the part of Grundy County recommended for exclusion from the Chicago 8-hour ozone nonattainment area are not part of the Chicago 1-hour ozone nonattainment area. As noted in a March 28, 2000 EPA guidance, "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)" from John S. Seitz, Director, Office of Air Quality Planning and Standards, the EPA recommends that 8-hour ozone nonattainment areas be no smaller than existing 1-hour ozone nonattainment areas. Under this policy, Illinois has been discouraged from excluding Monroe County from the St. Louis 8-hour ozone nonattainment area despite its lower population and relatively lower emissions (lower than those from other counties in the recommended 8-hour ozone nonattainment area). This would not be the case for Kankakee, DeKalb, and Grundy Counties.

Second, comparing populations and population densities in two different urban source areas without consideration of the population totals and population densities of other portions of the urban areas can lead to varying conclusions regarding the relative merits of inclusion or exclusion of various parts of the urban areas in the recommended nonattainment areas, as discussed for the Chicago area here.

The IEPA has presented population density and land use maps showing that DeKalb, Kankakee, Kendall, and Grundy Counties are significantly less populated per unit area and significantly less urban than the area within the recommended Chicago-Gary-Lake County 8-hour ozone nonattainment area. In addition, the EPA has also considered the populations and population densities in the recommended exclusion counties versus the population total of the Chicago Consolidated MSA (CMSA) (Illinois portion only was considered in this analysis) and population densities of the counties recommended for inclusion in the Illinois portion of the recommended Chicago 8-hour ozone nonattainment area.

The population of the Illinois portion of the Chicago CMSA was 8,376,601 in 2000. Therefore, the populations of the counties recommended for exclusion from the 8-hour nonattainment area have the following percentages of the CMSA population: DeKalb County (1.1 percent); Grundy County (0.4 percent); Kankakee County (1.2 percent); and Kendall County (0.7 percent) (entire-county populations were considered for Kendall and Grundy Counties even though only parts of these counties are recommended for exclusion from the 8-hour nonattainment area). It can be seen that the populations of the exclusion counties are small percentages of the CMSA total population.

The counties within the Illinois portion of the recommended Chicago 8-hour nonattainment area had the following 2000 population densities: Cook County (5,618 per square mile); DuPage County (2,691 per square mile); Kane County (773 per square mile); Lake County (1,377 per square mile); and Will County (592 per square mile). Clearly, the counties in the recommended 8-hour nonattainment area have significantly higher population densities than the counties recommended for exclusion from the 8-hour nonattainment area.

(2) The commenter has provided no data to support this comment. In considering the State's recommended 8-hour nonattainment areas and recommended county exclusions from those areas, the EPA considered such factors as VOC and Oxides of Nitrogen (NOX) emissions, county populations, projected growth in populations, and average daily VMT.

The four Illinois counties recommended for full or partial exclusion from the recommended Chicago 8-hour ozone nonattainment area have the following 1999 VOC and NOX emissions and 2001 average daily VMTs: DeKalb County (VOC: 5,148 tons/year; NOX: 5,131 tons/year; and VMT: 2,019,848); Grundy County (VOC: 3,767 tons/year; NOX: 9,304 tons/year; and VMT: 1,723,265); Kankakee County (VOC: 7,306 tons/year; NOX: 6,930 tons/year; and VMT: 2,474,810); and Kendall County (VOC: 3,005 tons/year; NOX: 3,103 tons/year; and VMT: 1,506,392). These factors can be compared to the totals for the Illinois portion of the Chicago CMSA: VOC: 395,090 tons/year; NOX: 361,762 tons/year; and VMT: 162,500,136. This gives the following percentages for the recommended exclusion counties relative to the Illinois portion of the Chicago CMSA: DeKalb County (VOC: 1.3; NOX: 1.4; and VMT: 1.2); Grundy County (VOC: 1.0; NOX: 2.6; and VMT: 1.1); Kankakee County (VOC: 1.8; NOX: 1.9; and VMT: 1.5); and Kendall County (VOC: 0.8; NOX: 0.9; and VMT: 0.9). It can be seen that the VOC and NOX emissions and average daily VMTs of the exclusion counties are small percentages of the CMSA totals.

(3) On a given day, spatial variation in daily high 8-hour ozone concentrations does occur. One, however, may consider available 8-hour ozone DVs (average fourth-high concentrations for the most recent three years at each monitoring site) to estimate whether the un-monitored counties are possibly experiencing current 8-hour ozone standard variations. We have reviewed the 2001-2003 worst-case ozone DVs for each of the counties in the Chicago area. It is noted that the subject exclusion counties are adjoining counties with current ozone DVs below the 8-hour ozone standard violation level (85 parts per billion): McHenry County (84 parts per billion); Kane County (79 parts per billion); and Will County (79 parts per billion). DeKalb County also adjoins Winnebago County with a 2001-2003 8-hour ozone DV of 77 parts per billion. The peak ozone concentrations in the vicinity of the exclusion counties would not imply that the un-monitored exclusion counties are experiencing violations of the 8-hour ozone standard.

The available data and the relative positions of the DeKalb, Grundy, Kankakee, and Kendall Counties, generally upwind of the Chicago area on high ozone days in the Chicago area, implies that these counties are not experiencing violations of the 8-hour ozone standard. In addition, as discussed above, their relatively low emissions imply that they are not significant contributors to the ozone standard violations recorded downwind in the Chicago area.

Kankakee County is adjoining Lake County, Indiana, which is experiencing violations of the 8-hour ozone standard. There are relatively low emission levels of Kankakee County compared to the total emissions of the entire recommended 8-hour nonattainment.

Comment 165:

Region: 5

State: IL

Area: Chicago-Gary-Lake County, IL-IN

Comment: A commenter asserts that Illinois EPA does not take into effect the rate of population growth in areas excluded from their recommendation for an 8-hour nonattainment area. For example, Kendall county is the fastest growing county in Illinois but is recommended to be attainment.

EPA Response: The Illinois Environmental Protection Agency has addressed the possible impacts of population growth in the subject exclusion counties (DeKalb, Grundy, Kankakee, and Kendall), and has concluded that their future populations and emissions will not pose significant impacts on the Chicago area air quality.

We have also reviewed U.S. Department of Commerce projections of county populations for the 2000-2010 period. We have concluded that the populations of the exclusion counties are not growing significantly faster than those in other portions of the Chicago CMSA. The projected 2000-2010 population changes in the Illinois portion of the Chicago CMSA are the following: Cook County (-102,158); DuPage County (25,316); DeKalb County (7,295); Grundy County (1,877); Kane County (57,789); Kankakee County (7,787); Kendall County (2,018); Lake County (27,062); McHenry County (38,491); and Will County (106,982). These population growth estimates indicate that, with the exception of Cook County, the subject exclusion counties have smaller estimated population changes during the 2000-2010 period than the counties within the recommended 8-hour ozone nonattainment area. The available projected population changes (assuming that future emission changes are proportional to area population changes) imply that the exclusion counties will have smaller percentages of the CMSA total emissions over time through 2010. This further supports their exclusion from the 8-hour ozone nonattainment area.

With regard to the growth rate of Kendall County itself, the commenter does not provide data to support the comment that Kendall County is the fastest growing county in Illinois. Population percentage growth estimates for the 2000-2010 period show that the population of Kendall County is expected to increase by 3.7 percent during this ten year period. This may be compared to the population percentage growth estimates for other counties in the recommended 8-hour ozone nonattainment area for the same period. These growth estimates are the following: Cook County (-1.9 percent); DuPage County (2.8 percent); Kane County (14.3 percent); Lake County (4.2 percent); McHenry County (14.8 percent); and Will County (21.3 percent). Clearly, based on percentage change estimates and raw population change estimates, as discussed above, Kendall County is not the fastest growing county in Illinois. As noted here, Kane, Lake, McHenry, and Will Counties are growing faster on a percentage basis, and, as noted above, all counties, except

Cook County, in the recommended 8-hour ozone nonattainment area are growing faster than Kendall County on a raw population change basis.

Comment 166:

Region: 5

State: IL

Area: Chicago-Gary-Lake County, IL-IN

Comment: A commenter asserts that Illinois EPA does not take traffic volume into consideration, even though it is an indicator of population growth on the urban fringe for Grundy and Kendall county.

EPA Response: As noted in response to a similar comment, the average daily VMT in the subject exclusion counties are a small fraction of the total average daily VMT of the Illinois portion of the Chicago CMSA. This coupled with the relatively lower population growth rates, discussed in Comment ID 165, implies that the traffic growth in all four of the exclusion counties, including Grundy and Kendall Counties, will not cause the emissions in these counties to increase to a significant proportion of the total emissions of the Illinois portion of the Chicago CMSA and relative to the emissions in the counties in the recommended 8-hour ozone nonattainment area.

The commenter has provided no data to support their point. The available data imply that the commenter's point is not valid.

Comment 167:

Region: 5

State: IL

Area: Chicago-Gary-Lake County, IL-IN

Comment: A commenter asserts that because there is no ozone monitoring equipment in Kankakee, DeKalb, Morris or other excluded communities, IEPA does not know whether unhealthy ozone smog levels are actually occurring in these areas. Regardless of whether ozone levels in Kankakee and Grundy Counties are exceeding the 8-hour ozone standard, emissions from these counties appear to be contributing to ozone exceedances in southern Cook County and Lake County, IN.

EPA Response: See the response to item (3) of Comment ID 163. The available data do not imply that DeKalb, Grundy, Kankakee, and Kendall Counties are currently experiencing violations of the 8-hour standard. In addition, we see no data implying that Kankakee County emissions are the significant source of the 8-hour ozone standard violations in Lake County, Indiana.

Comment 168:

Region: 5

State: IL

Area: Chicago-Gary-Lake County, IL-IN

Comment: A commenter asserts that even with the NOx SIP call going into effect in 2004, there is no guarantee that NOx emissions in Illinois will be limited to the amount postulated by the NOx SIP call modeling, particularly for large point sources. Illinois should include the four counties excluded from its proposal because emissions control programs in these areas would reduce the risk of higher ozone levels from power plants.

EPA Response: At this time, we see no reason to believe that the Illinois NOx emission control regulations will fail to achieve anticipated NOx emission reductions in Illinois. Illinois NOx emissions are subject to a statewide NOx emissions cap under the NOx SIP call. This should assure that Illinois will make adequate progress towards achieving anticipated NOx emission reductions. We see no reason to add the four excluded counties to the Chicago 8-hour ozone nonattainment area to compensate for an emissions reduction shortfall that we currently do not anticipate.

In addition to the above conclusion, it should be noted that Illinois will be required to demonstrate attainment of the 8-hour ozone standard in a future ozone attainment plan. That plan will have to include updated emissions and assessments of the effectiveness of current and future emission control requirements. Any shortfalls in emission controls that will cause an unacceptable delay in the attainment of the 8-hour ozone standard will result in additional emission control requirements that will compensate for the emission control shortfalls of the State's NOx regulation, if such exists. Any shortfall in the NOx emission reductions will be compensated for by additional emission controls imposed through the State's emissions control strategy as will specified in the State's future ozone attainment demonstration plan and rate-of-progress plan.

Comment 169:

Region: 5

State: IL

Area: Chicago-Gary-Lake County, IL-IN

Comment: A commenter asserts that in considering that Illinois EPA (IEPA) has previously included individual townships in a nonattainment area, it seems odd that IEPA did not consider how the population is distributed in the counties it excluded. Requiring these areas and the entire Chicago C/MSA to adopt emission reduction programs will improve health.

EPA Response: It is true that Illinois did not consider whether townships adjoining the recommended 8-hour nonattainment area, but in the subject exclusion counties, have relatively high populations that would warrant their inclusions in the 8-hour nonattainment area. This, however, is not a justification for denying Illinois' recommendation to exclude entire counties or portions of counties not currently included in the 1-hour Chicago ozone nonattainment area. As noted in other comments for Illinois, the emissions and populations of the excluded counties are relatively small compared to those of other counties in the recommended 8-hour ozone

nonattainment area. These factors warrant exclusion of the entire counties as recommended by the State of Illinois. Illinois could have "fine-tuned" the recommended 8-hour ozone nonattainment area by selecting portions (townships) of the exclusion counties for inclusion in the recommended nonattainment area based in higher localized population densities. We, however, have not established policy imposing this requirement, nor does the CAA make such a requirement. We only recommend that they not make the 8-hour nonattainment area smaller than the original 1-hour nonattainment area. Illinois has complied with that recommendation.

Comment 1006:

Region: 5

State: IN

Area: Chicago-Gary-Lake County, IL-IN

Comment: A commenter asserts that Jasper County, IN should be designated nonattainment. Due to the 2000 Census, Jasper County will soon become part of the Gary PMSA, which is currently nonattainment for the 8-hour standard. It has strong commuting ties to Gary and emitted over 19,500 tons of NO_x in 2001. Although not currently within a defined MSA, it is located adjacent to a county being designated as nonattainment.

EPA Response: Jasper County, Indiana is primarily rural with a low population density of 53.7 persons per square mile in 2000. The 2000 population for Jasper County is 15,000 people. The small number of people commuting out of the County is not significant compared to the 475,000 people in Lake County and the 130,000 people in Porter County. Lake and Porter Counties are part of the Chicago CMSA and have been nonattainment for the 1-hour ozone standard. Review of the 1999 emissions for the 1-hour ozone nonattainment area and surrounding counties shows that the 1-hour ozone nonattainment area encompasses the majority (in excess of 90 percent) of ozone precursor emissions in the Chicago-Gary-Lake County area, with minimal emissions remaining in counties outside of and adjoining this area. Jasper County VOC and NO_x emissions are not considered to be significant in comparison to the total VOC and NO_x emissions contained within the State-recommended 8-hour ozone nonattainment area (the 1-hour ozone nonattainment area).

Comment 1007:

Region: 5

State: IN

Area: Chicago-Gary-Lake County, IL-IN

Comment: A commenter asserts that Jasper County, IN should be designated nonattainment. Due to the 2000 Census, Jasper County will soon become part of the Gary PMSA, which is currently nonattainment for the 8-hour standard. It has strong commuting ties to Gary and emitted over 19,500 tons of NO_x in 2001. Although the county is currently not in a defined MSA, it is located adjacent to a county designated as nonattainment.

EPA Response: Jasper County, Indiana is primarily rural with a low population density of 53.7

persons per square mile in 2000. The 2000 population for Jasper County is 15,000 people. The small number of people commuting out of the County is not significant compared to the 475,000 people in Lake County and the 130,000 people in Porter County. Lake and Porter Counties are part of the Chicago CMSA and have been nonattainment for the 1-hour ozone standard. Review of the 1999 emissions for the 1-hour ozone nonattainment area and surrounding counties shows that the 1-hour ozone nonattainment area encompasses the majority (in excess of 90 percent) of ozone precursor emissions in the Chicago-Gary-Lake County area, with minimal emissions remaining in counties outside of and adjoining this area. Jasper County VOC and NO_x emissions are not considered to be significant in comparison to the total VOC and NO_x emissions contained within the State-recommended 8-hour ozone nonattainment area (the 1-hour ozone nonattainment area).

Comment 232:

Region: 5

State: IN, KY, OH

Area: Cincinnati-Hamilton, OH-KY-IN; Louisville, KY-IN

Comment: A commenter asserts that Harrison and Washington Counties in the Louisville, KY C/MSA should be included in the nonattainment area as well as Dearborn and Franklin Counties that are part of the Cincinnati, OH C/MSA.

EPA Response: Harrison County has low VOC emissions (2,735 tons/year) and low NO_x emissions (3,817 tons/year). The 2000 population of Harrison is 34,325, which is low compared to the total population of the Louisville MSA. Washington County is similarly low in both emissions and population. These Counties would not be a significant contributor to the nonattainment problem.

Franklin County is also low in emissions and population (1,680 tpy of VOC and 1,446 tpy of NO_x and 22,151 population). Dearborn County has a power plant with NO_x emissions and a high growth rate. The TSD discusses data and rationale for including or excluding areas.

Comment 231:

Region: 5

State: IN, KY

Area:

Comment: A commenter asserts that Indiana's recommendation to place southwestern Indiana into attainment is contrary to the CAA. Air quality remains a problem in the area, and the issue is complicated by the permitted building of a conventional coal-fired power plant in Kentucky, and Illinois likely seeking to permit several more. The data indicates that the area should be nonattainment, and this data should not be ignored. The southwest Indiana nonattainment area should include the counties of Posey, Gibson, Vanderburgh, Warrick, and Spencer in Southwest Indiana and the counties of Henderson, Webster, and McLean Counties in Kentucky.

EPA Response: The only ozone monitor that is monitoring a violation of the ozone standard is in Warrick County. The other Counties have monitors below the 8-hour ozone standard or do not have ozone monitors in the county. The CAA requires EPA to designate as nonattainment areas that are monitoring a violation or which contribute to a violation of the standard. For various reasons cited by the EPA in its December 2003 letter to the State, the EPA has concluded that only Vanderburgh County, as a significant source area, should be added to Warrick County as the 8-hour ozone nonattainment area.

Comment 79:

Region: 5

State: IN

Area:

Comment: A commenter urges EPA to provide as much flexibility as allowed under the CAA to avoid the imposition of measures that may harm economic development in situations in which Indiana and others have already taken appropriate measures to ensure healthy air.

EPA Response: We appreciate the concerns of Governor Kernan about the imposition of measures that may harm economic development in Indiana. The CAA requires EPA to designate as nonattainment areas which are violating the national ambient air quality standard or which contribute to a violation of the standard. The implementation rulemaking will address the control obligations for areas designated nonattainment for the 8-hour NAAQS. EPA has repeatedly stated that it is interested in providing implementation flexibility to the extent consistent with the CAA.

Comment 51:

Region: 5

State: IN

Area: Chicago-Gary-Lake County, IL-IN

Comment: Numerous commenters claim that Jasper County should be designated nonattainment based on its recent inclusion in the Gary PMSA, its point source emissions, and commuting work force.

EPA Response: Jasper County, Indiana is primarily rural with low population density. The 2000 population for Jasper County is 15,000 people. The small number of people commuting out of the County is not significant compared to the 475,000 people in Lake County and the 130,000 people in Porter County. The emissions from Jasper County are very small in comparison to the entire Chicago metropolitan area. Lake and Porter Counties are part of the Chicago C/MSA and have been nonattainment for the 1-hour ozone standard.

Comment 83:

Region: 5

State: IN

Area: Cincinnati-Hamilton, OH-KY-IN

Comment: Several commenters claim that Dearborn County in the Cincinnati MSA should be designated attainment. Indiana disagrees that the power plant is "uncontrolled." Combustion controls have been in place on this facility for several years to comply with state and federal requirements resulting in a NOx emission decrease. Additional modeling indicates that VOC reductions, not NOx, will be required to improve air quality in Cincinnati.

EPA Response: Thank you for the additional information on the control equipment being used at the Tanners Creek Plant in Dearborn County, Indiana. EPA used the 1999 emissions estimates for the initial evaluation. We will carefully consider the new information that you have submitted which provides emissions estimates for the 2000 to 2003 time frame.

Comment 85:

Region: 5

State: IN

Area: Evansville, IN

Comment: Several commenters argue that Vanderburgh County should be designated attainment. Many large sources of NOx dominate Southwest Indiana's air quality. Ozone levels have been decreasing as NOx controls have been installed, and the trend will continue. If Warrick County is designated nonattainment, Vanderburgh County should not be included because: 1) Vanderburgh is so close to meeting the standard and the nonattainment area should be kept as small as possible. 2) Vanderburgh County emissions are not the dominating ozone readings in Warrick County, directly to the east, based on prevailing wind directions. 3) Modeling shows that the nonattainment area will meet the standard under projected NOx control levels without the designation.

EPA Response: Thank you for the additional information on Vanderburgh County and the Evansville area. We agree that the area is recording only one violation of the 8-hour ozone standard (in Warrick County). However, we believe that the wind rose information does show some contribution from Vanderburgh County to the violation in Warrick. Vanderburgh County is the most populous county in the MSA. Vanderburgh and Warrick together have the largest percentage of emissions and population in the MSA. For these reasons EPA believes that both Vanderburgh and Warrick should be nonattainment.

Comment 178:

Region: 5

State: IN

Area: Evansville, IN; Chicago-Gary-Lake County, IL-IN; Louisville, KY-IN

Comment: A commenter urges EPA to designate the following areas nonattainment even though monitoring data may show the county is in attainment. The counties are Gibson, Spencer, Perry, Pike, Sullivan, Jasper, and Jefferson Counties. These counties have large point sources and

strong commuting patterns to nonattainment areas. The commenter notes that five of these counties are not within MSAs but are adjacent to counties being designated nonattainment.

EPA Response: Each of these counties has been addressed in earlier responses to comments and our full analysis is in the technical justification portion of the docket.

Comment 80:

Region: 5

State: IN

Area: Evansville, IN;Fort Wayne, IN;Terre Haute, IN;South Bend-Elkhart, IN

Comment: A commenter asserts that Clean air measures are already in place in Indiana that will address any 8-hour ozone nonattainment issues for most of Indiana, including the Evansville, Fort Wayne, Terre Haute, South Bend/Elkhart metropolitan areas and other more rural areas in the state. EPA should not take any step that will result in the mandatory imposition of unnecessary ozone control measures for these areas until such time as it is shown, no earlier than 2007, that the existing ozone control measures will not be enough to meet the health standard.

EPA Response: Designations are based on 2001-2003 air quality. The CAA establishes requirements for areas designated nonattainment for the 8-hour ozone NAAQS. EPA is required to designate all areas for the 8-hour NAAQS no later than April 15, 2004. Because the areas mentioned by the commenter are violating the 8-hour standard based on monitored data from 2001-2003, we are designating these areas as nonattainment. Phase 1 and 2 of our implementation rules will further address any planning obligations that may apply to areas designated nonattainment for the 8-hour ozone NAAQS.

Comment 177:

Region: 5

State: IN

Area: Evansville, IN;Louisville, KY-IN;Fort Wayne, IN;Terre Haute, IN

Comment: A commenter urges EPA to designate additional counties in Indiana as nonattainment including: DeKalb, Whitley, Wells, Adams, Vermillion, Clay, Scott, Harrison, and Posey counties. These are all counties within MSAs with violating monitors and, based on EPA's guidance, should be designated nonattainment. These counties, while they may be rural in nature, have strong commuting ties to the urban areas. Also, there are large point sources of emissions in many of these counties.

EPA Response: The CAA states that areas are to be designated nonattainment if they do not meet the standard or contribute to air quality in a nearby area that does not meet the standard. EPA's March 28, 2000 boundary guidance on air quality designations for the 8-hour ozone national ambient air quality standards indicates a process to follow to determine the boundaries of a nonattainment area. EPA recommended that the MSA or the Consolidated MSA serve as the presumptive boundary for the standard. States or Tribes may then consider 11 factors in

determining whether to recommend area boundaries that are larger or smaller than the presumptive area. For the counties referenced, IDEM provided information to exclude these counties from the respective presumptive nonattainment areas. The EPA has reviewed information regarding these counties and agrees that they can be excluded from the respective presumptive nonattainment area. The process followed to make this determination is outlined in the March 28, 2000 boundary guidance. In the TSD EPA discussed each of these counties and the reasons that EPA did not include these counties as nonattainment.

Comment 84:

Region: 5

State: IN

Area: Fort Wayne, IN

Comment: Several commenters argue that Huntington County should be designated attainment. There is no credible argument that emissions from Huntington County are substantially impacting the Fort Wayne area's air quality or that reductions there will help. Ft. Wayne's elevated ozone levels are projected to meet the ozone standard when regional levels decrease in the next few years.

EPA Response: Thank you for the additional information on Huntington County. We carefully reviewed the emissions data, wind rose data and population distribution for this County. Further analysis is available in the technical justifications portion of the docket.

Comment 45:

Region: 5

State: IN

Area: Fort Wayne, IN; Terre Haute, IN; Louisville, KY-IN; Evansville, IN

Comment: Several commenters argue that since DeKalb, Whitley, Wells, Adams, Vermillion, Clay, Scott, Harrison, and Posey Counties lie in MSAs with violating monitors, they should be designated nonattainment. This reasoning is based on commuting patterns and the locations of nearby point source emissions. Posey County would have violated the eight-hour standard for the period from 2000-2002.

EPA Response: The CAA states that areas are to be designated nonattainment if they do not meet the standard or contribute to air quality in a nearby area that does not meet the standard. EPA's March 28, 2000 boundary guidance on air quality designations for the 8-hour ozone national ambient air quality standards indicates a process to follow to determine the boundaries of a nonattainment area. EPA recommended that the MSA or the Consolidated MSA serve as the presumptive boundary for the standard. States or Tribes may then consider 11 factors in determining whether to recommend area boundaries that are larger or smaller than the presumptive area. EPA's analysis regarding whether to include each of the counties identified by the commenter as part of the designated nonattainment areas is provided in the technical justification portion of the docket.

Comment 86:

Region: 5

State: IN

Area: Greene Co, IN; Jackson Co, IN

Comment: Several commenters argue that Greene and Jackson Counties should be designated attainment. The counties are affected by overwhelming transport. Local controls (including stricter permitting requirements) will not contribute to improved air quality, and regional NOx controls will be effective over the next few years.

EPA Response: Although EPA agrees that Greene and Jackson Counties are affected by transport of ozone, the CAA requires EPA to designate as nonattainment areas with a violation of the national ambient air quality standard. Because both Greene County and Jackson County have quality assured ozone monitoring data which shows a violation of the 8-hour ozone standard, EPA must designate these Counties as nonattainment.

Comment 82:

Region: 5

State: IN

Area: LaPorte Co, IN; South Bend-Elkhart, IN; Fort Wayne, IN; Muncie, IN; Terre Haute, IN; Louisville, KY-IN; Evansville, IN; Muncie, IN

Comment: Several commenters claim that Indiana does not support stricter new source permitting, mandatory automobile emission testing or other "mandatory" requirements for any area that will meet the ozone standard within three years of the April 15, 2004 designation date. By EPA's own modeling, this would include the metropolitan areas of LaPorte, South Bend/Elkhart, Fort Wayne, Muncie, Clark, Evansville, Terre Haute and Floyd Counties

EPA Response: Thank you for your comments. The CAA requires EPA to designate as nonattainment any area that is violating the NAAQS or which contributes to a violation in a nearby area. Designations are based on 2001-2003 air quality. Once the designations are made, the CAA outlines the requirements in the areas designated nonattainment. This final action only addresses the designation of areas. In a separate rulemaking, which will be finalized in two parts, EPA is addressing the CAA requirements that apply in areas designated nonattainment for the 8-hour NAAQS

Comment 52:

Region: 5

State: IN

Area: Louisville, KY-IN

Comment: Numerous commenters claim that Jefferson County should be designated nonattainment based on nearby nonattainment areas and its NOx emissions.

EPA Response: Jefferson County is to the northeast of Clark County, Indiana and the Louisville area. The 2000 population is only 30,000 people. The only major source in Jefferson County is a single power plant. The County has no ozone monitor and there is no indication that the County would be violating the ozone standard. The prevailing winds are from the South and southwest during the summer ozone season, whereas Jefferson County is to the northeast of the violating area.

Comment 1005:

Region: 5

State: IN

Area: Terre Haute, IN

Comment: A commenter asserts that Sullivan County, IN should be designated nonattainment because it is located in a region with an exceedance of the 8-hour standard and emitted more than 16,000 tons of NO_x in 2001. It also has a strong commuting work force.

EPA Response: Sullivan County is to the south of Vigo County, Indiana (the County with a violating monitor). The 2000 population is only 20,000 people. The County has no ozone monitor and there is no indication that the County is violating the ozone standard. The VOC emissions in Sullivan County are relatively low, 2,079 tons/year in 1999. Upon evaluation of all 11 factors we disagree that Spencer County should be included as part of the Evansville nonattainment area. More specific data is available in the technical justification for each area.

Comment 1003:

Region: 5

State: IN

Area:

Comment: A commenter asserts that Perry County, IN should be designated nonattainment because its last monitor readings (when the monitor was operational) were 0.09 ppm and because it is located among major ozone pollution sources.

EPA Response: The Perry County monitor was operated as an industrial monitor under a permit condition for 3 years. It is unclear if the monitor was sited according to the ozone siting criteria and if it would meet all of the quality criteria for ozone monitor values that are required for data that is used for designations. The industrial monitor was discontinued in 2002 and so we do not have the most recent 3 years of ozone data from Perry County. When operating, the Perry County monitor did record violations of the 8-hour ozone standard, but due to possible siting concerns, we are not considering these high ozone concentrations to be quality-assured 8-hour ozone standard violations at this time. The IDEM is currently locating an ozone monitor in Perry County to collect quality assured ozone data.

Perry County emissions are low and thus we do not believe it is contributing to nonattainment in nearby areas. Perry County is rural with a 2000 population of only 18,899

people and a population density of 49.6 persons per square mile. There are very few emissions sources in Perry County. Based on our review of the 11 factors, we do not believe Perry County is contributing to a violation in a nearby area.

Comment 1004:

Region: 5

State: IN

Area:

Comment: A commenter asserts that Pike County, IN should be designated nonattainment because it is located in a region with major sources of ozone pollution and itself released 27,000 tons of NO_x in 2001. Although Pike County is not currently within a defined MSA, it is located adjacent to a county being designated as nonattainment.

EPA Response: Pike County is to the north of Warrick County, Indiana. The County has no ozone monitor and there is no indication that the County would be violating the ozone standard. Pike County would not be expected to have impacts on the ozone violation in Warrick County. Upon evaluation of all 11 factors we disagree that this county should be included as part of the Evansville nonattainment area. More specific data is available in the technical justification for each area.

Comment 228:

Region: 5

State: IN

Area:

Comment: A commenter asserts that all of Indiana should be considered nonattainment since all modeling done by OTAG showed violations of the 8-hour standard across the state. Not designating the entire state as nonattainment will encourage more and more sprawl as industries seek to locate near cities, but in attainment areas. Many of the counties left out of nonattainment have some of the nation's largest utilities operating some of the nation's largest coal-fired plants.

EPA Response: Ozone designations are based on monitored ozone data not on modeled ozone estimates. Monitoring measures the actual ozone concentrations in the air that are being inhaled. Modeling however, is an estimate of possible pollutant concentrations under certain meteorological conditions and emissions estimates. In addition, it should be noted that ozone modeling analyses are designed to test the impacts of emission control strategies on peak ozone concentrations for a discrete number of days. Available ozone modeling analyses were not designed to test for the possibility of un-monitored ozone standard violations, and cannot be used for such determinations in a manner that is scientifically valid. For this reason, EPA gives preference to the use of actual monitored ozone data for making designations under the CAA.

Comment 230:

Region: 5

State: IN

Area:

Comment: A commenter asserts that Spencer and Perry Counties should be nonattainment. Although the Perry County monitor is rural, it showed the highest ozone levels of all Southwest Indiana Counties during the years it operated and it is immediately downwind from two large sources of NO_x and VOC that have pollution numbers as great as most metropolitan areas. Perry County also showed violations in 2000 and 2001 when other regional monitors were experiencing cool weather lows.

EPA Response: The Perry County monitor was operated as an industrial monitor under a permit condition for 3 years. It is unclear if the monitor was sited according to the ozone siting criteria and if it would meet all of the quality criteria for ozone monitor values that are required for data that is used for designations. The industrial monitor was discontinued in 2002 and so we do not have the most recent 3 years of ozone data from Perry County. When operating, the Perry County monitor did record violations of the ozone standard. The IDEM is currently locating an ozone monitor in Perry County to collect quality assured ozone data. After IDEM collects 3 years of quality assured ozone data in Perry County, EPA could designate the area based on the data that IDEM collects. Information on specific counties are included in the technical justification.

Spencer County is addressed in response to comment 1002

Comment 44:

Region: 5

State: IN

Area:

Comment: Numerous commenters support the ozone nonattainment designations that EPA recommended.

EPA Response: We appreciate the support of the commenters.

Comment 48:

Region: 5

State: IN

Area:

Comment: Numerous commenters claim that although the monitor has been removed from service, Perry County should be designated nonattainment based on its former monitoring values.

EPA Response: The Perry County monitor was operated as an industrial monitor under a permit condition for 3 years. It is unclear if the monitor was sited according to the ozone siting criteria and if it would meet all of the quality criteria for ozone monitor values that are required for data that is used for designations. The industrial monitor was discontinued in 2002 and so we do not

have the most recent 3 years of ozone data from Perry County. The IDEM is currently locating an ozone monitor in Perry County to collect quality assured ozone data. After IDEM collects 3 years of quality assured ozone data in Perry County, EPA could designate the area based on the data that IDEM collects as appropriate.

Comment 50:

Region: 5

State: IN

Area:

Comment: Numerous commenters claim that Sullivan County should be designated nonattainment based on nearby monitoring, its point source emissions, and commuting work force.

EPA Response: Sullivan County is to the south of Vigo County, Indiana (the County with a violating monitor). The 2000 population is only 20,000 people. The overall emissions in Sullivan County are low. The County has no ozone monitor and there is no indication that the County would be violating the ozone standard. The NO_x emissions from Sullivan County would not be expected to have impacts on the ozone violation in Vigo County. Additional information is available as a part of the technical justification.

Comment 1019:

Region: 5

State: IN

Area: Cincinnati-Hamilton, OH-KY-IN

Comment: A commenter asserts that there is a serious factual error in EPA's discussion of why Dearborn County should be included in the Cincinnati Interstate Ozone Nonattainment area. The letter recommended nonattainment for Dearborn County stating, "there is no indication, at this time, that the source will be installing control equipment therefore, there was not a compelling argument to exclude this county." The contention that no action has been taken or is planned to control NO_x at the Tanners Creek plant is incorrect. In fact, the commenter detailed substantial NO_x emission reductions that have occurred at the Tanners Creek Plant and asked the EPA to ensure that the record properly reflects the significant NO_x reductions made at Tanners Creek Plant.

EPA Response: Thank you for the additional information on the control equipment being used at the Tanners Creek Plant. Indiana also submitted additional information in their February 6, 2004 letter. EPA used the 1999 emissions estimates for the initial evaluation. Your letter indicates that there have been significant NO_x emissions decreases at the Tanners Creek Plant. We will carefully consider the new information that you have submitted which provides emissions estimates for the 2000 to 2003 time frame.

Comment 1002:

Region: 5
State: IN
Area: Evansville, IN

Comment: A commenter asserts that Spencer County, IN should be included in region wide actions to reduce ozone. Its AEP Rockport Plant ranked 17th in the nation for NOx emissions, and it has a strong commuting workforce. Although not in a defined MSA, it is located adjacent to a county being designated as nonattainment.

EPA Response: Spencer County is to the east of Warrick County, Indiana. The County has no ozone monitor and there is no indication that the County would be violating the ozone standard. The only major source in Spencer County is the Rockport power plant. Upon evaluation of all 11 factors we disagree that Spencer County should be included as part of the Evansville nonattainment area. More specific data is available in the technical justification for each area.

Comment 1013:
Region: 5
State: IN
Area: Evansville, IN

Comment: A commenter asserts that Gibson County, IN is part of the Evansville, IN-KY MSA and therefore should be designated nonattainment. It contains one of the largest NOx emissions sources in the state coupled with several industrial point sources of VOC emissions.

EPA Response: Gibson County under the 1999 Census Bureau definitions was not included as part of the Evansville MSA. Both IDEM and EPA closely examined Gibson County because of the large NOx emission source in the County and because of the proximity to the Evansville area. Gibson County is north of Vanderburgh County, Indiana. Because of the prevailing South and West winds during the summer ozone season, Gibson County emissions were not recognized as a major contributor to the violation in Warrick County. Upon review of the 11 factors, EPA concluded that this county is attainment.

Comment 1037:
Region: 5
State: IN
Area: Evansville, IN

Comment: 1) A commenter states that on December 4, 2003, EPA notified Governor Kernan's office that Vanderburgh and Warrick Counties would be designated as "nonattainment" for the eight-hour ozone standard. The commenter requests the Governor's assistance to ensure that Vanderburgh and Warrick Counties be designated in attainment for the ozone standard.

2) A commenter further states that although EPA recommends placing both Vanderburgh and Warrick Counties in nonattainment, only Warrick County had a monitor with an 85 ppb DV. All

of the monitors in Vanderburgh and Posey Counties demonstrated attainment with the 84 ppb ozone standard.

3) A commenter feels that EPA has not promulgated regulations to mandate certain actions to be taken to reduce pollution and improve air quality should a county be designated "nonattainment." EPA is also unprepared to regulate nonattainment areas once the designations are made.

4) In response to EPA's proposed Deferral of Effective Date of Nonattainment Designations for 8-Hour Ozone National Ambient Air Quality Standards for EAC Areas, the commenter states that many of the EAC areas have much higher levels of ozone than do Vanderburgh and Warrick Counties. The commenter further states that because the EAC areas have expended millions of dollars and have the resources to pursue an EAC, they will have the nonattainment designations deferred, while Vanderburgh and Warrick Counties will feel the full brunt of nonattainment status.

5) The commenter also states that by September 30, 2004, the end of the 2004 ozone season, without any additional ozone reduction measures and a full year before the effective nonattainment designation date for the EAC areas, many of the Subpart 1 / Marginal Nonattainment areas will be able to demonstrate, by actual monitoring data, that their air quality has improved so they can demonstrate attainment with the 8-hour ozone standard.

6) The commenter feels that it seems incredibly unproductive spending time and resources necessary to declare Vanderburgh and Warrick counties as "nonattainment" only to have the facts refute that decision five months later. Then, to have the area spend an even greater amount of time and resources to reverse the nonattainment designation, all the while losing opportunities to grow our the local economy.

7) Vanderburgh and Warrick Counties need five months of grace, from April 15, 2004 to September 30, 2004 to demonstrate attainment of the 8-hour ozone standard.

8) A commenter suggested, as an option for Evansville and Vanderburgh County which not only help Vanderburgh and Warrick Counties, but also other counties in Indiana, that EPA defer the effective date of the nonattainment designations, as they are doing with the EAC areas.

EPA Response: The original letter is addressed to the Governor of Indiana and a copy was transmitted to our office. The letter suggests 3 options for either delaying the designation or for the implementation strategy. EPA is under a consent decree to make designations by April 15, 2004 and therefore cannot delay the designation process.

EPA also provided in the docket, a technical response to comments and ozone analysis submitted by the City of Evansville. This memo from Patricia Morris and Edward Doty to the docket is dated April 1, 2004.

Comment 221:

Region: 5
State: IN
Area: Evansville, IN

Comment: A commenter asserts that a nonattainment designation for Vanderburgh County is inappropriate since it will likely require no new additional emissions reductions beyond those planned, may hinder economic development, encourage sprawl, and place a huge bureaucratic burden for an attainment demonstration. The county ozone monitors do not currently measure violations of the 8-hr ozone NAAQS. The local ozone chemistry is NO_x-limited, and the county has a small NO_x emission inventory. Monitored ozone levels are affected by meteorology and transport. Ten of the eleven currently operating ozone monitors in the nearby Evansville-Owensboro-Henderson Air Quality Control Region show statistically significant improving trends. These trends can be explained by reductions that have been made over the years by industry and the public, including NO_x emissions reductions at coal-fired power plants. (see attached report for detailed analysis)

EPA Response: Vanderburgh County is the largest County in the Evansville MSA in terms of population, and VOC emissions. Vanderburgh has a population of 170,000 people.

Although the area may be showing improvement in ozone trends over the past years, Vanderburgh County has monitored nonattainment for years prior to 2001. Warrick County has a violation of the ozone standard with 2001-2003 data. The CAA requires EPA to designate as nonattainment any area that is violating the standard or which contributes to a violation of the standard. Because Vanderburgh is in the MSA with Warrick and has the highest population and VOC emissions for the MSA, Vanderburgh is considered to be significantly contributing to the monitored violation in Warrick County. It is also assumed that controlling VOC emissions in Vanderburgh County will provide ozone control benefits for Warrick County and will eventually help maintain the ozone standard in the Evansville area.

The EPA also provided in the docket, a technical response to comments and ozone analysis submitted by the City of Evansville. This memo from Patricia Morris and Edward Doty to the docket is dated April 1, 2004.

Comment 229:
Region: 5
State: IN
Area: Evansville, IN

Comment: A commenter asserts that the CAA requires that all of a SMSA be given the same designations. Thus, if Evansville (Vanderburgh County) is to be nonattainment, all of the SMSA counties should be nonattainment.

EPA Response: The CAA requires that EPA designate areas which are violating the standard or are contributing to a violation of the standard, but the CAA is not prescriptive to which areas

actually need to be included in ozone nonattainment areas. EPA guidance, however, has named the MSA as the presumptive area for designations. The EPA guidance lists 11 factors to use to evaluate the contribution of counties to the violation. The consideration of these factors may lead to the adjustment of the presumptive nonattainment areas, through the addition of adjoining areas or the exclusion of portions of the presumptive areas.

IDEM and EPA have evaluated the 11 factors (population, emissions, growth, meteorology etc) to determine which Counties should be included in the nonattainment designation. Based on these 11 factors, EPA concludes that Posey County in Indiana and Henderson County in Kentucky do not have to be included in the 8-hour ozone nonattainment area.

Comment 257:

Region: 5

State: IN

Area: Evansville, IN

Comment: A commenter asserts that EPA should not rely on the violating air monitor (known as the "Yankeetown air monitor") to collect or analyze "ambient air" in Warrick County. The air monitor is located approximately 4,000 feet from Alcoa's manufacturing plant. Therefore, the monitor does not reflect "ambient air" quality in Warrick County. The jurisdictional scope of the NAAQS is limited to the portion of the atmosphere to which the general public has access.

EPA's reliance upon the Yankeetown air monitor conflicts with prior EPA statements and determinations regarding NAAQS compliance, e.g., EPA's 1985 decision to revise Utah's SIP to redesignate certain counties as in attainment with the sulfur dioxide NAAQS.

EPA Response: EPA does consider the ALCOA monitor to be monitoring ambient air. EPA responded to this comment in a letter dated February 18, 2004, signed by Stephen Rothblatt, Director, Air and Radiation Division. The Feb. 18, 2004 letter is part of the docket and gives a full explanation for EPA's reasoning.

Comment 46:

Region: 5

State: IN

Area: Evansville, IN

Comment: Numerous commenters claims that Gibson County should be designated nonattainment since it should be considered part of the Evansville MSA. It contributes to high ozone in downwind counties and has high point source emissions and considerable commuter activity.

EPA Response: Gibson County under the 1999 Census Bureau definitions was not included as

part of the Evansville MSA. However, under the newer definitions released in late 2003, Gibson County was included in the larger area. Both IDEM and EPA closely examined Gibson County because of the large NO_x emission source in the County and because of the proximity to the Evansville area. Gibson County is north of Vanderburgh County, Indiana. Because of the prevailing South and West winds during the summer ozone season, Gibson County emissions were not recognized as a contributor to the violation in Warrick County.

Comment 47:

Region: 5

State: IN

Area: Evansville, IN

Comment: Numerous commenters argue that Spencer County should be designated nonattainment based on its point source emissions and commuting work force.

EPA Response: Spencer County is to the east of Warrick County, Indiana. The 2000 population is only 20,000 people. The only major source in Spencer County is the Rockport power plant. The County has no ozone monitor and there is no indication that the County would be violating the ozone standard. The information submitted by IDEM and the City of Evansville indicate that regional transport plays a key role in the high ozone concentrations in the Evansville area. Additional information is available in the technical justifications portion of the docket.

Comment 49:

Region: 5

State: IN

Area: Evansville, IN

Comment: Numerous commenters claim that Pike County should be designated nonattainment based on its emissions and proximity to other emissions sources.

EPA Response: Pike County is to the north of Warrick County, Indiana. The 2000 population is only 13,000 people. Pike County has low emissions overall and only one major NO_x source. The County has no ozone monitor and there is no indication that the County would be violating the ozone standard. The information submitted by IDEM and the City of Evansville indicate that regional transport plays a key role in the high ozone concentrations in the Evansville area. Additional information is available in the technical justifications portion of the docket.

Comment 1008:

Region: 5

State: IN

Area: Louisville, KY-IN

Comment: A commenter asserts that Jefferson County, IN should be designated nonattainment because its NO_x emissions totaled over 30,000 tons in 2001. While it is not within a defined

MSA, it is located adjacent to counties being designated as nonattainment.

EPA Response: Jefferson County is to the northeast of Clark County, Indiana and the Louisville area. The 2000 population is only 30,000 people. The only major source in Jefferson County is a power plant. The County has no ozone monitor and there is no indication that the County would be violating the ozone standard. The prevailing winds are from the South and southwest during the summer ozone season whereas Jefferson County is to the northeast of the violating area. Therefore, the NO_x emissions from Jefferson County would not be expected to have impacts on the ozone violations in the Louisville area. Upon evaluation of all 11 factors we disagree that this county should be included as part of the nonattainment area. More specific data is available in the technical justification for each area.

Comment 1020:

Region: 5

State: MI

Area:

Comment: A commenter asserts that while both Manistee and Oceana Counties lack monitoring sites, both of these counties are impacted by the same ozone transport phenomenon as other lakeshore counties. Therefore, these two counties should be designated nonattainment since monitors clearly demonstrate lakeshore exceedances. The long range transport of ozone over Lake Michigan is a well-documented phenomenon. The extensive ozone impact has been confirmed by long-range transport modeling conducted under the Lake Michigan Ozone Study. EPA's preliminary decision on Manistee and Oceana Counties is unrealistic since polluted Lake Michigan Air masses impact Michigan's shoreline.

EPA Response: It should be noted that several commenters cited the ozone transport phenomena along the shore of Lake Michigan and ozone monitoring data available in other lakeshore counties to support a nonattainment designation for Manistee and Oceana Counties.

Section 107(d)(1) of the CAA (Act) requires all areas to be designated nonattainment if they do not meet the standard or contribute to ambient air quality in a nearby area that does not meet the standard. In EPA's March 28, 2000 policy memorandum from John S. Seitz, entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)" EPA sets forth guidelines for determining, in a nationally consistent manner, which areas meet these requirements. When the monitor recording a violation of the NAAQS is located in a CMSA or MSA, EPA recommends that these serve as the presumptive boundary for the areas. The memorandum then sets forth eleven factors to consider when determining if the boundary of the area should be larger or smaller.

While Manistee and Oceana Counties are likely experiencing the transport phenomena experienced by the other lakeshore counties, they do not contain violating monitors. In this case it would be appropriate to examine the eleven factors to determine if they should be included in the nonattainment boundaries of one of the surrounding areas.

In summary, Manistee and Oceana Counties have low VOC and NO_x emissions, are quite rural with low population densities, low VMT, negative projected population growth for 2000-2010, and are not part of a CMSA or MSA. Since neither county has an ozone monitor, there are no monitored violations of the ozone standard.

On balance, EPA does not believe that the eleven factors support the designation of these counties as nonattainment. Given the low level of emissions generated in Manistee and Oceana Counties and historical UAM modeling demonstrating the role of transported ozone in the Lake Michigan air basin, it is unlikely that the control of these emissions would aid measurably in the control of ozone or the attainment of the NAAQS in nearby areas.

Comment 87:

Region: 5

State: MI

Area:

Comment: A commenter asserts that the CAA requires nonattainment boundaries to encompass an entire MSA only for the nation's most seriously impacted areas, none of which are in Michigan. EPA's proposed modifications would add several counties to MSAs while offering little supporting evidence that they contribute significantly to the MSA's ozone level.

EPA Response: For designations in 1990, the CAA required EPA to establish nonattainment boundaries encompassing entire Consolidated MSAs (CMSAs) for those areas that are classified as serious, severe or extreme. The factors considered in establishing CMSA boundaries are similar to some of those that EPA considers in determining whether areas contribute to a violation in a nearby area. Thus, in developing Guidance for purposes of determining the boundaries for nonattainment areas for the 8-hour NAAQS, EPA determined that the CMSA would be an appropriate starting point for States and EPA to assess appropriate boundaries. EPA's March 28, 2000 guidance, titled, "Boundary Guidance on Air Quality Designation for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)," provides for States to start their assessment using the larger of the CMSA or the 1-hour nonattainment area and to evaluate 11 factors to determine whether counties within the presumptive area should be excluded or outside the presumptive area should be included. EPA considered the 11 factors for each of the Michigan counties included as part of designated nonattainment areas and for the reasons provided in the Justification section of the docket believes these counties are either violating the ozone standard or are contributing to a nearby violation.

Comment 88:

Region: 5

State: MI

Area:

Comment: A commenter asserts that the modifications proposed by EPA would result in most of

southern Lower Michigan being placed in nonattainment with little understanding of how such issues as regional transport will be considered.

EPA Response: The EPA acknowledges the phenomenon of interstate and regional transport of ozone and its precursors and we also acknowledge that addressing this problem will be very important in developing plans for some areas to attain the 8-hour ozone standard. The CAA requires us to designate areas that are violating the ozone standard, or contributing to a nearby violation of the standard, as nonattainment. We will work with areas affected by transport, including any such areas in Michigan, within the context of implementing requirements to attain the 8-hour ozone standard.

Comment 70:

Region: 5

State: MI

Area: Benzie Co, MI;Grand Rapids-Muskegon-Holland, MI

Comment: Several commenters believe that Michigan's Manistee and Oceana Counties should be designated as nonattainment. This analysis was based on the fact that the surrounding counties all measured NAAQS violations that were attributed to transport. A nonattainment designation would require a pending large point source to undergo stricter review.

EPA Response: It should be noted that several commenters submitted similar comments.

Section 107(d)(1) of the CAA (Act) requires all areas to be designated nonattainment if they do not meet the standard or contribute to ambient air quality in a nearby area that does not meet the standard. In EPA's March 28, 2000 policy memorandum from John S. Seitz, entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)" EPA sets forth guidelines for determining, in a nationally consistent manner, which areas meet these requirements. In summary, EPA believes that any county with an ozone monitor showing a violation of the NAAQS and any nearby contributing area needs to be designated as nonattainment. When the monitor recording a violation of the NAAQS is located in a C/MSA or MSA, EPA recommends that these serve as the presumptive boundary for the areas. The memorandum then sets forth eleven factors to consider when determining if the boundary of the area should be larger or smaller.

While Manistee and Oceana Counties are likely experiencing the transport phenomena experienced by the other lakeshore counties, they do not contain violating monitors. In this case it would be appropriate to examine the eleven factors to determine if they should be included in the nonattainment boundaries of one of the surrounding areas.

1) Emissions and Air Quality

Manistee and Oceana Counties have relatively low VOC and NO_x emissions. Manistee County has VOC and NO_x emissions of 4,679 and 4,738 tons per year, respectively. Oceana County has

VOC and NO_x emissions of 3,802 and 1,692 tons per year, respectively. Given the low level of these emissions and historical UAM modeling demonstrating the role of transported ozone in the Lake Michigan air basin, it is unlikely that the control of these emissions would aid measurably in the control of ozone.

2) Population density and degree of urbanization

Both Manistee and Oceana Counties are quite rural, with population densities of 45 and 50 persons per square mile, respectively. Manistee has a total population of 24,527 and Oceana has a total population of 26,873.

3) Monitoring Data

Since neither county has an ozone monitor, there are no monitored violations of the ozone standard. Lakeshore monitors to the north and south of these counties are monitoring violations of the ozone standard.

4) Location of Emission Sources

No information available. A commenter provided information that a proposed power plant could increase emissions in Manistee County by 1,777 tons per year for NO_x and 72 tons per year for VOC. Even should this source be built and add these emissions to those noted above, total VOC and NO_x emissions would 4,751 and 6,515 tons per year, respectively which is still relatively minimal.

5) Traffic and Commuting Patterns

No information available on commuting patterns. VMT for Manistee and Oceana Counties is 216 and 260 million miles per year, which is low.

6) Expected Growth

While the growth for Manistee and Oceana Counties for 1990-2000 was 15.3% and 19.7%, population is projected to decline for 2000-2010 at -5.8% and -6.6%, respectively.

7) Meteorology

Information from historical UAM modeling indicate that these areas are likely the recipients of long range transport. Given that, control of local emissions is unlikely to aid in the reduction of ozone levels.

8) Geography/Topography

Manistee and Oceana Counties are located on the eastern shore of Lake Michigan, which has been

shown to be a recipient area for transported ozone.

9) Jurisdictional Boundaries

These counties are not part of a C/MSA or MSA.

10) Level of Control of Emission Sources

No information available.

11) Regional Emission Reductions

No information available.

On balance, EPA does not believe that the eleven factors support the designation of these counties as nonattainment. Given the low level of emissions generated in Manistee and Oceana Counties and historical UAM modeling demonstrating the role of transported ozone in the Lake Michigan air basin, it is unlikely that the control of these emissions would aid measurably in the control of ozone or the attainment of the NAAQS in nearby areas.

Comment 227:

Region: 5

State: MI

Area: Benzie Co, MI; Mason Co, MI

Comment: A commenter asserts that it is their understanding that the lack of county-specific air quality monitoring data is the sole reason that EPA may recommend Manistee County as attainment/unclassifiable. EPA should include Manistee County in the same nonattainment area designation being proposed for adjacent Benzie and Mason Counties. 1) All Lake Michigan shoreline counties are known receptors of high levels of transport pollutants from Chicago-Gary Indiana and Milwaukee. 2) 2000 Census records confirm that Manistee County has a much higher degree of urbanization than Benzie County and a level comparable to Mason County. 3) Manistee County contributes nearly 2,000 tons of VOCs and over 4,000 tons of NO_x to the local environment, similar to urbanized areas in MI. During summer months, Benzie County has had south/southwest winds from Manistee County. 4) Census indicates that the average drive to work for Manistee residents is comparable to that for residents in more urban counties. 6) Manistee County experienced a growth rate in excess of 15% between 1990 and 2000 - nearly three times the average rate in Michigan. Additionally, a large 425 megawatt coal-fired power plant is proposed for Manistee County.

EPA Response: It should be noted that several commenters submitted similar comments.

Section 107(d)(1) of the CAA (Act) requires all areas to be designated nonattainment if they do not meet the standard or contribute to ambient air quality in a nearby area that does not

meet the standard. In EPA's March 28, 2000 policy memorandum from John S. Seitz, entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)" EPA sets forth guidelines for determining, in a nationally consistent manner, which areas meet these requirements. In summary, EPA believes that any county with an ozone monitor showing a violation of the NAAQS and any nearby contributing area needs to be designated as nonattainment. When the monitor recording a violation of the NAAQS is located in a C/MSA or MSA, EPA recommends that these serve as the presumptive boundary for the areas. The memorandum then sets forth eleven factors to consider when determining if the boundary of the area should be larger or smaller.

While Manistee and Oceana Counties are likely experiencing the same transport phenomena experienced by the other lakeshore counties, they do not contain violating monitors. In this case it would be appropriate to examine the eleven factors to determine if they should be included in the nonattainment boundaries of one of the surrounding areas.

1) Emissions and Air Quality

Manistee and Oceana Counties have relatively low VOC and NO_x emissions. Manistee County has VOC and NO_x emissions of 4,679 and 4,738 tons per year, respectively. Oceana County has VOC and NO_x emissions of 3,802 and 1,692 tons per year, respectively. Given the low level of these emissions and historical UAM modeling demonstrating the role of transported ozone in the Lake Michigan air basin, it is unlikely that the control of these emissions would aid measurably in the control of ozone.

2) Population density and degree of urbanization

Both Manistee and Oceana Counties are quite rural, with population densities of 45 and 50 persons per square mile, respectively. Manistee has a total population of 24,527 and Oceana has a total population of 26,873.

3) Monitoring Data

Since neither county has an ozone monitor, there are no monitored violations of the ozone standard. Lakeshore monitors to the north and south of these counties are monitoring violations of the ozone standard.

4) Location of Emission Sources

No information available. A commenter provided information that a proposed power plant could increase emissions in Manistee County by 1,777 tons per year for NO_x and 72 tons per year for VOC. Even should this source be built and add these emissions to those noted above, total VOC and NO_x emissions would be 4,751 and 6,515 tons per year, respectively which is still relatively minimal.

5) Traffic and Commuting Patterns

No information available on commuting patterns. VMT for Manistee and Oceana Counties is 216 and 260 million miles per year, which is low.

6) Expected Growth

While the growth for Manistee and Oceana Counties for 1990-2000 was 15.3% and 19.7%, population is projected to decline for 2000-2010 at -5.8% and -6.6%, respectively.

7) Meteorology

Information from historical UAM modeling indicate that these areas are likely the recipients of long range transport. Given that, control of local emissions is unlikely to aid in the reduction of ozone levels.

8) Geography/Topography

Manistee and Oceana Counties are located on the eastern shore of Lake Michigan, which has been shown to be a recipient area for transported ozone.

9) Jurisdictional Boundaries

These counties are not part of a C/MSA or MSA.

10) Level of Control of Emission Sources

No information available.

11) Regional Emission Reductions

No information provided

On balance, EPA does not believe that the eleven factors support the designation of these counties as nonattainment. Given the low level of emissions generated in Manistee and Oceana Counties and historical UAM modeling demonstrating the role of transported ozone in the Lake Michigan air basin, it is unlikely that the control of these emissions would aid measurably in the control of ozone or the attainment of the NAAQS in nearby areas.

Comment 71:

Region: 5

State: MI

Area: Benzie Co, MI; Mason Co, MI; Grand Rapids-Muskegon-Holland, MI

Comment: Several commenters strongly support EPA's designation of Benzie, Mason, and

Muskegon Counties as nonattainment.

EPA Response: The EPA agrees with this comment. No changes are necessary.

Comment 270:

Region: 5

State: MI

Area: Detroit-Ann Arbor-Flint, MI

Comment: A commenter asserts that EPA should not designate the ten counties in Southeast Michigan as a single nonattainment area. Instead, they should designate Southeast Michigan (Wayne, Oakland, Macomb, Monroe, Washtenaw, Livingston, and St. Clair Counties), Flint (Genesee and Lapeer Counties), and Lenawee Counties as three distinct nonattainment areas based on contribution, geopolitical boundaries, and expected air quality impacts from regional and national measures. There is no mandate in the federal CAA to use C/MSAs as the presumptive boundaries for areas that will be classified as moderate or marginal. Modeling also indicates that the Detroit urban area will experience a NO_x reduction disbenefit and require different air quality planning than Genesee, Lapeer, and Lenawee Counties.

EPA Response: Section 107(d)(1) of the CAA (Act) requires all areas to be designated nonattainment if they do not meet the standard or contribute to ambient air quality in a nearby area that does not meet the standard. In EPA's March 28, 2000 policy memorandum from John S. Seitz, entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)" EPA sets forth guidelines for determining, in a nationally consistent manner, which areas meet these requirements. Despite a lack of a mandate for using C/MSA boundaries for moderate areas, EPA used Act's presumption of designating the C/MSA for areas classified as serious and above as a guideline for designating other areas. EPA's guidance recommends that states use the larger of the C/MSA or the 1-hour nonattainment area as the presumptive nonattainment area for the 8-hour standard. The guidance also provides 11 factors that states should consider in deciding whether to recommend an area larger or smaller than the presumptive area.

Lenawee County has a violating monitor and is part of the 1999 Detroit-Ann Arbor C/MSA. Michigan notes that "Lenawee County has relatively low emissions and population density." Nevertheless, wind roses submitted by the state indicate that Lenawee is on the upwind edge of the C/MSA, so any emissions, however small, would be expected to contribute to increased ozone levels monitored within the county as well as in downwind areas. There is no clear and compelling reason to separate Lenawee from Detroit.

Michigan has requested that Flint (Genesee and Lapeer Counties) be designated as a separate nonattainment area from the Detroit-Ann Arbor area. Genesee County is monitoring nonattainment; Lapeer County has no monitor. When EPA designated 1-hour ozone areas in 1990, the Flint area (Genesee County) and the Detroit-Ann Arbor area (Wayne, Oakland, Macomb, Monroe, Washtenaw, Livingston, and St. Clair Counties) were designated separately.

The areas have established planning organizations which successfully brought their respective areas into attainment of the 1-hour ozone standard. The state would prefer not to disrupt the successful planning structures already in place.

The ozone season wind rose provided by Michigan for Flint shows that prevailing winds are primarily from the southwest quadrant. This southwesterly wind flow is similar to the wind patterns for Detroit. Since Genesee and Lapeer Counties are on the extreme northwest edge of the Detroit-Ann Arbor-Flint C/MSA, this southwesterly flow would tend to minimize the impact of each area on the other. The Detroit-Ann Arbor area consistently monitors higher ozone levels than the Flint area, and will be required to implement control measures to bring their own area into attainment.

For these reasons, EPA believes it is appropriate to designate Flint and Detroit-Ann Arbor as separate areas.

Comment 273:

Region: 5

State: MI

Area: Grand Rapids-Muskegon-Holland, MI

Comment: A commenter asserts that EPA should designate Grand Rapids (comprised of Kent and Ottawa Counties), Allegan County and Muskegon County as three separate nonattainment areas because it will add flexibility in dealing with the overwhelming ozone transport. Also, these three areas have separate metropolitan planning organizations.

EPA Response: After considering technical data regarding the unique ozone transport problem in W. Michigan, EPA has decided to split the area into three separate nonattainment areas. As noted in more detail in EPA's justification for designating the areas, high ozone levels monitored at the two monitors near the Lake Michigan shore are due exclusively to transport from upwind areas and are not indicative of ozone levels or source contribution further inland. Additionally, this split mirrors the 1-hour ozone nonattainment boundaries and is consistent with planning agency jurisdictions, an arrangement that allowed the state to successfully tailor ozone control strategies and maintenance plans for these areas under the 1-hour ozone standard.

Comment 274:

Region: 5

State: MI

Area: Kalamazoo-Battle Creek, MI

Comment: A commenter asserts that EPA should designate Van Buren County as attainment because it is an outlying county in the Kalamazoo MSA. Van Buren County is not densely populated and generates relatively few ozone-producing emissions.

EPA Response: Van Buren County does not contain a monitor, but it is part of the

Kalamazoo-Battle Creek MSA, which has a violating monitor. The county is surrounded by Allegan, Kalamazoo, Cass, and Berrien Counties, all of which are monitoring violations of the standard, and has 14.2% projected growth from 2000-2010. Van Buren County should be included as part of the Kalamazoo-Battle Creek 8-hour ozone nonattainment area.

Comment 269:

Region: 5

State: MI

Area: Kalamazoo-Battle Creek, MI;Grand Rapids-Muskegon-Holland, MI;Detroit-Ann Arbor-Flint, MI;Lansing-East Lansing, MI;Huron Co, MI

Comment: Based on recent monitoring data, Michigan recommends adding Kent, Kalamazoo, Calhoun, Ingham, Eaton, Clinton, Genesee, Lapeer, and Huron Counties to the nonattainment list.

EPA Response: The EPA agrees and is designating these counties as nonattainment for the 8-hour ozone standard.

Comment 233:

Region: 5

State: OH

Area:

Comment: A commenter asserts that the State of Ohio can accept the EPA's recommended combined nonattainment areas. Ohio planning agencies and Ohio Dept. of Transportation believe that the coordination of the adjacent area will not be a problem.

EPA Response: The EPA continues to agree that keeping the Cleveland-Akron nonattainment area together as one nonattainment area, combining Knox county with the Columbus nonattainment area, combining Clinton county with the Cincinnati nonattainment area, and keeping Mahoning, Trumbull, Columbiana together with Mercer county, PA as the Youngstown-Warren-Sharon nonattainment area provides for more efficient planning in Ohio.

Comment 90:

Region: 5

State: OH

Area: Canton-Massillon, OH;Cincinnati-Hamilton, OH-KY-IN;Columbus, OH;Dayton-Springfield, OH;Toledo, OH;Wheeling, WV-OH

Comment: Some commenters state that Ohio's recommendation to exclude Carroll, Brown, Pickaway, Preble, Fulton, and Belmont Counties from nonattainment designations lacked compelling scientific explanation and should be rejected. Control measures will not be evenly distributed among the counties, and residents in the excluded counties would not receive notice of bad air quality. Transport of ozone refutes the assertion that rural areas in Ohio should be excluded based solely on population. The population growth and commuting patterns in these

counties were also cited as evidence that they should be included.

EPA Response: The CAA states that areas are to be designated nonattainment if they do not meet the standard or contribute to air quality in a nearby area that does not meet the standard. EPA's March 28, 2000 boundary guidance on air quality designations for the 8-hour ozone national ambient air quality standards indicates a process to follow to determine the boundaries of a nonattainment area. EPA recommended that the MSA or the Consolidated MSA serve as the presumptive boundary for the standard. States or Tribes may then consider 11 factors in determining whether to recommend area boundaries that are larger or smaller than the presumptive area. For the counties referenced, Fulton, Brown, Pickaway, Preble, and Carroll, the Ohio EPA provided information to exclude these counties from the respective nonattainment areas. EPA concluded that Belmont county should be nonattainment. The EPA has reviewed information regarding these counties. The technical justification for excluding these counties is included in the technical justification section of the docket.

Comment 89:

Region: 5

State: OH

Area: Columbus, OH; Cincinnati-Hamilton, OH-KY-IN; Dayton-Springfield, OH

Comment: Some commenters indicate that the Ohio Environmental Protection Agency's recommendations ignore ozone pollution in rural areas of Ohio. In support of their comment, they cite that pollutant transport makes ozone a statewide problem, 1999 modeling showed 8-hour NAAQS violations in 84 of Ohio's 88 counties, monitor exceedances in rural Knox and Clinton Counties, and citizen monitoring in Champaign County. They also point out that rural residents are not alerted when unhealthy air days occur, unlike those living in designated urban nonattainment areas.

EPA Response: The CAA states that areas are to be designated nonattainment if they do not meet the standard or contribute to air quality in a nearby area that does not meet the standard. EPA's March 28, 2000 boundary guidance on air quality designations for the 8-hour ozone national ambient air quality standards indicates a process to follow to determine the boundaries of a nonattainment area. The Ohio EPA followed the EPA guidance to determine the boundaries for the nonattainment areas. Much of Ohio is designated nonattainment. The citizen monitoring does not follow the reference method required by EPA to be used for designation purposes. That data also referred to the 1-hour ozone standard. Work can be done with the Ohio EPA to alert the public of days on which ozone levels may exceed the levels necessary to protect public health. The technical justification portion of the docket addresses individual areas.

Comment 91:

Region: 5

State: OH

Area: Dayton-Springfield, OH

Comment: Numerous commenters claim that Champaign County, Ohio should be included as an adjacent nonattainment area. Under any wind direction, this county contributes to or receives ozone pollution from neighboring nonattainment areas. Citizen monitoring showed the ozone readings at three monitor stations in Champaign County were comparable to those in neighboring nonattainment areas.

EPA Response: The EPA's March 28, 2000 boundary guidance on air quality designations for the 8-hour ozone national ambient air quality standards indicates a process to follow to determine the boundaries of a nonattainment area. EPA recommended that the MSA or the Consolidated MSA serve as the presumptive boundary for the standard. States or Tribes may then consider 11 factors in determining whether to recommend area boundaries that are larger or smaller than the presumptive area. Champaign county is outside of the presumptive nonattainment area and does not contain a monitor. The Ohio EPA recommended Champaign county as attainment. Ohio EPA did not provide any technical analysis for the county. EPA reviewed technical information relating to the 11 factors outlined in the boundary guidance and agrees with Ohio EPA to have Champaign county as attainment. Technical data is included in the docket. Data indicates that Champaign county is relatively small in population (2000 census - 38,890) and emissions (1999 NEI - VOC - 2,133 t/yr and NOx - 1,873). Citizen monitoring does not follow the reference guidelines that are required of air quality monitors to make designation decisions.

Comment 130:

Region: 5

State: OH

Area:

Comment: Several commenters assert that Ohio has drawn narrow nonattainment boundaries and is putting the entire burden for ozone reduction on a few areas. As such, the areas designated nonattainment will have undue economic burden, and contributing areas can avoid any responsibility for reducing pollution.

EPA Response: Much of the State of Ohio is designated nonattainment including the major metropolitan areas. Each nonattainment area must put together a plan to come into attainment on the required schedule. The Ohio EPA will have to determine the necessary actions to take to bring the areas into attainment. Besides local controls, many National and regional programs that impact the entire state, like the NOx SIP Call, will assist states developing plans to meet the standard. EPA provided information on individual counties mentioned by the commenter within the technical justification portion of the docket.

Comment 129:

Region: 5

State: OH

Area: Dayton-Springfield, OH

Comment: Several commenters assert that Champaign County is adjacent to and downwind of

violating counties and should be included in the Dayton/Springfield MSA and designated nonattainment.

EPA Response: EPA's March 28, 2000 boundary guidance on air quality designations for the 8-hour ozone national ambient air quality standards indicates a process to follow to determine the boundaries of a nonattainment area. EPA recommended that the MSA or the Consolidated MSA serve as the presumptive boundary for the standard. States or Tribes may then consider 11 factors in determining whether to recommend area boundaries that are larger or smaller than the presumptive area. Champaign county is outside of the presumptive nonattainment area and does not contain a monitor. The Ohio EPA recommended Champaign county as attainment. Ohio EPA did not provide any technical analysis for the county. EPA reviewed technical information relating to the 11 factors outlined in the boundary guidance and agrees with Ohio EPA to have Champaign county as attainment. Technical data is included in the docket. Data indicates that Champaign county is relatively small in population (2000 census - 38,890) and emissions (199 NEI - VOC - 2,133 t/yr and NOx - 1,873).

Comment 235:

Region: 5

State: OH

Area: Huntington-Ashland, WV-KY-OH

Comment: A commenter asserts that based on 2003 ozone data that have become available, Lawrence County is in attainment and is not believed to be a significant source. Ohio disagrees with the designation of nonattainment for Lawrence County, part of the Huntington/Ashland MSA, and recommends exclusion from this MSA. It is noted that the State of Kentucky recommended Gessup County, Kentucky, which is adjacent to Lawrence County, to be excluded from this MSA, and EPA concurred.

EPA Response: The CAA states that areas are to be designated nonattainment if they do not meet the standard or contribute to air quality in a nearby area that does not meet the standard. EPA's March 28, 2000 boundary guidance on air quality designations for the 8-hour ozone national ambient air quality standards indicates a process to follow to determine the boundaries of a nonattainment area. EPA recommended that the MSA or the Consolidated MSA serve as the presumptive boundary for the standard. States or Tribes may then consider 11 factors in determining whether to recommend area boundaries that are larger or smaller than the presumptive area. Lawrence county is monitoring attainment given 2001-2003 monitoring data. It is still within a C/MSA with violating monitors which allows states to provide analysis of 11 factors to determine whether the area should be nonattainment. Ohio EPA has recommended Lawrence county as attainment based on the monitor reading below the standard and the 11 factor analysis provided under EPA guidance. EPA has reviewed the technical information and agrees with the Ohio EPA that Lawrence county should be designated as attainment.

Comment 127:

Region: 5

State: OH

Area: Toledo, OH; Cincinnati-Hamilton, OH-KY-IN; Canton-Massillon, OH; Lima, OH; Wheeling, WV-OH

Comment: A commenter asserts that Ohio EPA's recommendation to designate as attainment Fulton, Brown, Carroll, Auglaize and Belmont counties is contrary to EPA's long-standing boundary guidance. These counties are all part of MSAs with one or more counties with monitors that indicate unacceptable ozone levels.

EPA Response: The CAA states that areas are to be designated nonattainment if they do not meet the standard or contribute to air quality in a nearby area that does not meet the standard. EPA's March 28, 2000 boundary guidance on air quality designations for the 8-hour ozone national ambient air quality standards indicates a process to follow to determine the boundaries of a nonattainment area. EPA recommended that the MSA or the Consolidated MSA serve as the presumptive boundary for the standard. States or Tribes may then consider 11 factors in determining whether to recommend area boundaries that are larger or smaller than the presumptive area. For the counties referenced, Fulton, Brown, Carroll, and Auglaize, the Ohio EPA provided information to exclude these counties from the respective nonattainment areas. The EPA concluded that Belmont county should be nonattainment. The EPA has reviewed information regarding these counties. In the justification section of the docket, we provide our full analysis of why we agree these counties should not be included as part of the designated nonattainment areas.

Comment 234:

Region: 5

State: OH

Area: Wheeling, WV-OH

Comment: A commenter asserts that the State of Ohio believes that the exclusion of Belmont County is still appropriate. While EPA has indicated that Belmont County represents a significant fraction of the total MSA emissions, it is a small fraction of regional emissions.

EPA Response: In our December 3, 2003 letter to the State of Ohio, EPA indicated that we intend to designate Belmont county as nonattainment due to the level of emissions and population of the county as a part of the consolidated MSA (C/MSA). Ohio has not provided information that would lead to a change in the EPA decision. A technical justification is located within the docket.

Comment 60:

Region: 5

State: OH

Area: Youngstown-Warren-Sharon, PA-OH; Pittsburgh-Beaver Valley, PA

Comment: A commenter recommends that the Western Pennsylvania nonattainment area should include a greater number of eastern Ohio counties and into the Beaver Valley nonattainment area.

EPA Response: Along the Pennsylvania-Ohio border there are several nonattainment areas. Within the State of Ohio:

- The Cleveland-Akron C/MSA is nonattainment.
- Stark County within the Canton-Massillon C/MSA is nonattainment.
- Trumbull, Mahoning and Columbiana counties along with Mercer county, PA make up the Youngstown-Warren C/MSA and are nonattainment.
- Jefferson county is part of the Steubenville-Weirton nonattainment area.
- Belmont is included as Wheeling nonattainment area
- It is unclear from the comment if there were additional specific counties in Ohio that were an issue. Information regarding specific counties are in the technical justification portion of the docket.

Comment 241:

Region: 5

State: WI

Area: Jefferson Co, WI

Comment: A commenter asserts that based on newly available 2001-2003 ozone data, Jefferson County is in attainment for the 8-hour ozone standard.

EPA Response: The EPA agrees with this comment. Based on 2001-2001 ozone data, Jefferson County is monitoring attainment for the 8-hour standard and we are designating Jefferson County as attainment.

3.6 Responses to Comments
EPA Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)

Comment 1106:

Region: 6

State: AR

Area: Memphis, TN-AR-MS

Comment: A commenter expressed concern regarding the proposed designation of Crittendon County, Arkansas as nonattainment. He believes that a nonattainment designation would adversely impact Crittendon County and is unfair due to the following reasons.

- 1) The sole reason that the Crittendon County monitor shows violations in the summer months is because it is downwind of the ozone forming pollutants that are emitted in the MSA or that are transported from other distant sources. Analyses have shown that all counties of the MSA contribute to the episodes monitored in Crittendon County.
- 2) These same studies indicate that the ozone concentrations recorded at the monitoring site in Arkansas may be unduly influenced by nearby emission sources. The concentration at these locations may represent a localized "hot spot" that would not truly represent typical concentrations in the general vicinity, or the population of the entire MSA. Data from the monitor should not be used until these issues are resolved.
- 3) Arkansas will continue to pursue effective ozone control strategies that can be implemented despite the inability to exercise control of sources of pollutants in other states.

The commenter requests Crittendon County to be designated attainment/unclassifiable until these issues are resolved.

EPA Response: The Memphis MSA (MSA) consists of five counties. They are Crittendon County in the State of Arkansas; DeSoto County in the State of Mississippi; and Fayette, Shelby and Tipton Counties in the State of Tennessee. Crittendon County is located adjacent to the core Memphis metroplex on the west-northwest side. The ozone monitor in Crittendon County is monitoring nonattainment with a 2001-2003 DV of 91 ppb ozone. This is also the highest DV of any monitor in the Memphis MSA. The value of 91 ppb ozone is well above the 8-hour ozone National Ambient Air Quality Standard measured at 85 ppb.

The data at this monitor has met all quality assurance/quality control requirements and has met the 40 CFR Part 58 requirements for a neighborhood scale ozone site. The EPA is required to employ this monitoring data in the determination of an attainment or nonattainment designation for the Memphis MSA. The EPA has no data to suggest that the Crittendon County monitor is unduly influenced by nearby emission sources or is unrepresentative of ambient ozone conditions. Because the monitor in Crittendon County is violating the 8-hour NAAQS, EPA is required to designate the area as nonattainment.

Comment 40:

Region: 6

State: AR

Area: Memphis, TN-AR-MS

Comment: A commenter agreed with designation of nonattainment for Crittendon Co., AR due to inclusion in the Memphis TN/AR/MS CMSA. Also agrees with nonattainment status for Tennessee and Mississippi counties within the Memphis MSA, which required modification of the state of Mississippi's recommendation.

EPA Response: In a letter dated July 14, 2003, EPA received the State of Arkansas' recommendation to designate areas for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) from Governor Mike Huckabee. In the Governor's recommendation, one Arkansas county in the Memphis MSA (MSA) was recommended for nonattainment, Crittendon County.

The Memphis MSA area includes Shelby, Fayette, and Tipton Counties in Tennessee, Crittendon County in Arkansas, and DeSoto County in Mississippi. The Memphis MSA is participating in the 8-hour Ozone EAC program. All counties in the Memphis MSA including Crittendon County are signatories to the Memphis 8-hour Ozone EAC. Under this program, the area may defer the effective date of a nonattainment designation for the 8-hour ozone standard up to December 31, 2007 so long as the area meets all requirements and milestones of the compact.

In Crittendon County, the AIRS #050350005 ozone monitor violates the 8-hour standard with a 2001-2003 DV of 92. For a discussion on Tennessee and Mississippi Counties in the Memphis MSA, please refer to comment ID #72, #170 and #219.

Based on the ozone monitoring data, the U.S. EPA finds that Crittendon County does cause a violation to the 8-hour ozone NAAQS in the Memphis MSA. Therefore, the U.S. EPA designates Crittendon County nonattainment for 8-hour ozone with a deferred effective date for so long as the area continues to meet all milestone requirements of the 8-hour Ozone EAC.

Comment 41:

Region: 6

State: AR

Area: Memphis, TN-AR-MS

Comment: A commenter believes DeSoto County, Mississippi (Region 4) and other Tennessee counties (Region 4) should be included in the nonattainment area to encompass the full MSA

EPA Response: For a discussion on Tennessee and Mississippi Counties in the Memphis MSA, please refer to comment ID #72, #170 and #219.

Comment 66:

Region: 6

State: TX

Area: Austin-San Marcos, TX

Comment: A commenter proposes that Hays County should be designated nonattainment for the following reasons. It previously contained a monitor with some of the 8-hour ozone readings exceeding 100 ppb, a portion of the City of Austin is located in the county, and 25% of the trips originating in Hays County end in the nonattainment-designated Travis County. In addition, Hays, Bastrop, and Caldwell Counties contain some of the MSA's largest point sources of emissions.

EPA Response: Hays County is located in the Austin-San Marcos MSA (MSA). The Austin-San Marcos MSA is participating in the Agency's 8-hour Ozone EAC program. The 8-hour ozone DVs for the 2001-2003 time period that indicate the Austin-San Marcos MSA is monitoring attainment of the 8-hour ozone standard. Given there are no violating monitors in this area, EPA will be designating the Austin-San Marcos MSA as attainment for the 8-hour ozone standard. The Austin-San Marcos area continues to participate in the 8-hour Ozone EAC program and has met all milestone requirements to date.

Comment 64:

Region: 6

State: TX

Area: Austin-San Marcos, TX; Longview-Marshall, TX; San Antonio, TX

Comment: A commenter proposes that EPA should designate the EAC counties as "nonattainment (deferred)." If the region's clean air plan is not timely developed, adopted by the State, approved by EPA, or attained in a timely fashion, then the designation should change to "nonattainment."

EPA Response: The three areas referenced in the comment description are participating in the Agency's 8-hour Ozone EAC program. Two of these areas, the Longview-Marshall area and the Austin-San Marcos area have 8-hour ozone DVs for the 2001-2003 time period that indicate these two areas are monitoring attainment of the 8-hour ozone standard. Given there are no violating monitors in these two areas, EPA will be designating the Longview-Marshall area and the Austin-San Marcos area as attainment for the 8-hour ozone standard. Both the Longview-Marshall area and the Austin-San Marcos area continue to participate in the 8-hour Ozone EAC program.

The San Antonio area is participating in the 8-hour Ozone EAC program and is has at least one violating monitor in the MSA (MSA). This area continues to meet all 8-hour Ozone EAC milestones. Therefore, this area will be designated nonattainment with a deferred effective date for so long as the area continues to meet all compact milestones. This area must come into attainment of the 8-hour ozone standard by December 31, 2007 under 8-hour Ozone EAC program requirements.

Comment 65:

Region: 6
State: TX
Area: Austin-San Marcos, TX

Comment: A commenter proposes that Williamson County should be designated nonattainment for the following reasons. It is located in an MSA with a nonattaining monitor, is located near a monitor with some of the highest ozone readings, contains two rapidly growing communities (Cedar Park and Leander), and 30% of the trips originating in Williamson County end in the nonattainment-designated Travis County.

EPA Response: Williamson County is located in the Austin-San Marcos MSA (MSA). The Austin-San Marcos MSA is participating in the Agency's 8-hour Ozone EAC program. The 8-hour ozone DVs for the 2001-2003 time period that indicate the Austin-San Marcos MSA is monitoring attainment of the 8-hour ozone standard. Given there are no violating monitors in this area, EPA will be designating the Austin-San Marcos MSA as attainment for the 8-hour ozone standard. The Austin-San Marcos area continues to participate in the 8-hour Ozone EAC program and has met all milestone requirements to date.

Comment 63:

Region: 6
State: TX
Area: Austin-San Marcos, TX; San Antonio, TX; Dallas-Fort Worth, TX; Houston-Galveston-Brazoria, TX; Longview-Marshall, TX; Beaumont-Port Arthur, TX

Comment: A commenter objects to the Texas recommendation to only designate one county within an EAC as nonattainment. Counties not designated as nonattainment will not have the incentive to contribute their fair share to the region's clean air plan.

EPA Response: There are three areas in Texas that are participating in the Agency's 8-hour Ozone EAC program. They are the Longview-Marshall area, the Austin-San Marcos area and the San Antonio area. Only these areas will be required to submit clean air plans under the 8-hour Ozone EAC program. The 8-hour ozone DVs for the 2001-2003 time period that indicate these the Longview-Marshall area and the Austin-San Marcos area are monitoring attainment of the 8-hour ozone standard. Given there are no violating monitors in these two areas, EPA will be designating the Longview-Marshall area and the Austin-San Marcos area as attainment for the 8-hour ozone standard. Both the Longview-Marshall area and the Austin-San Marcos area continue to participate in the 8-hour Ozone EAC program.

The San Antonio area is participating in the 8-hour Ozone EAC program and is has at least one violating monitor in the MSA. This area continues to meet all 8-hour Ozone EAC milestones. Therefore, this area will be designated nonattainment with a deferred effective date for so long as the area continues to meet all compact milestones. The boundary area for this nonattainment designation will be determined from a thorough analysis of all available information in accordance with the EPA's March 2000 8-hour ozone boundary guidance

document. For the final boundary area for the San Antonio MSA, please see the federal register decision.

Comment 1107:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX;San Antonio, TX

Comment: A commenter submitted further information that was requested by EPA staff during a meeting on January 9, 2004 and a table summarizing all of the data used in the analysis of the EPA's 11 criteria found in the March 28, 2000 boundary guidance document. The following information is submitted for EPA's review:

- 1) A summary table of data addressing the 11 criteria entitled " TCEQ Evaluation Table of EPA's 8-Hour Ozone Designation Boundary Guidance Exclusion Criteria."
- 2) Maps of the locations for sources in the affected counties.
- 3) Wind histograms for the affected counties.
- 4) Emissions by category for both the base and future cases.
- 5) Traffic and commuting patterns for the SAN area.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth (DFW) C/MSA were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker Counties. Five Counties that are also in the DFW C/MSA, Henderson, Hood, Hunt, Kaufman, and Rockwall counties, were not part of Texas' nonattainment recommendation.

On December 3, 2003, we responded to the Governor recommending the 12-county MSA as the boundary. However, at the time our response letters were prepared, we had not received supporting data on the influence of each of the counties from the State of Texas. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. We requested additional pertinent information from the State of Texas by February 6, 2004. The State of Texas submitted additional information on February 5, 2004 and February 6, 2004.

The EPA has evaluated all pertinent information, including the data submitted by this commenter in this package, to determine whether each of the twelve counties in the C/MSA is contributing or will contribute to ozone violations in the Dallas-Fort Worth MSA. For the five counties where EPA and the State differed on decisions, information is provided below:

Henderson County is in the far southeast corner of the C/MSA metroplex. There is no ozone monitor in Henderson County. Total NO_x emissions in Henderson County were 16.8 tpd in 1999. Total NO_x emissions in Henderson County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Henderson County were 16.1 tpd in 1999. Total VOC emissions in Henderson County are projected to be 12 tpd in 2010 (TCEQ). The population in Henderson County in 2000 was 73,277. The 2010 population in Henderson County is projected to be 95,308. Henderson County 2000-2010 population growth is projected to be 30.1%. The 1999 population density in Henderson County was low (83 people/square mile) and is only projected to increase to 107 people per square mile by 2010. The 1999 VMT (VMT) in Henderson County was 851 million miles. Seventy-eight percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Henderson County has low emissions, low population and low population density. Future growth, although at 30%, does not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Henderson County does not cause or contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Henderson County attainment/unclassifiable for 8-hour ozone.

Hood County is in the far southwest corner of the C/MSA metroplex. The ozone monitor in Hood County is monitoring attainment, although the 2001-2003 DV (84 ppb) is very close to the 8-hour ozone standard (85 ppb). Total NO_x emissions in Hood County were 26.4 tpd in 1999. Total NO_x emissions in Hood County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Hood County were 6.0 tpd in 1999. Total VOC emissions in Hood County are projected to be 4 tpd in 2010 (TCEQ). The population in Hood County in 2000 was 41,100. The 2010 population in Hood County is projected to be 57,063. Hood County 2000-2010 population growth is projected to be 38.8%. The 1999 population density in Hood County was low (97 people/square mile) and is only projected to increase to 134 people per square mile by 2010. The 1999 VMT in Hood County was only 375 million miles. Ninety percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Hood County is expected to have a significant decrease in nitrogen oxide (NO_x) emissions by 2010. Hood County has a relatively low population and low population density. Future growth, although at 38% do not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Hood County does not contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hood County attainment for 8-hour ozone.

Hunt County is in the far northeast corner of the C/MSA metroplex. The ozone monitor in Hunt County is monitoring attainment for the 8-hour ozone standard. Total NO_x emissions in Hunt County were 11.7 tpd in 1999. Total NO_x emissions in Hunt County are projected to be 7 tpd in 2010 (TCEQ). Total VOC emissions in Hunt County were 14.4 tpd in 1999. Total VOC

emissions in Hunt County are projected to be 13 tpd in 2010 (TCEQ). The population in Hunt County in 2000 was 76,596. The 2010 population in Hunt County is projected to be 101,425. The 2000-2010 population growth is projected to be 32.4% in Hunt County. The 1999 Hunt County population density was low (91 people/square mile) and is only projected to increase to 120 people per square mile by 2010. The 1999 VMT in Hunt County was 954 million miles. Ninety-five percent of Hunt County workers drive to work in the DFW C/MSA. Hunt county is downwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry away from the DFW area more frequently.

Hunt County has low emissions, low population and low population density. Future growth, although at 32%, does not appear to present a significant future burden on the metroplex in the foreseeable future, given the low population density now. Based on an overall evaluation of this data, the U.S. EPA finds that Hunt County does not cause or contribution to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hunt County attainment/unclassifiable for 8-hour ozone.

Kaufman County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Kaufman County is monitoring attainment (73 ppb). Total NOx emissions in Kaufman County were 12 tpd in 1999. Total NOx emissions in Kaufman County are projected to be 22 tpd in 2010 (TCEQ). Total VOC emissions in Kaufman County were 7.1 tpd in 1999. Total VOC emissions in Kaufman County are projected to increase to 17/12 tpd in 2010 (TCEQ). The population in Kaufman County in 2000 was 71,313. The 2010 population in Kaufman County is projected to be 104,315. Kaufman County 2000-2010 population growth is projected to be a very high 46.3%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Kaufman County was 91 people/square mile and is projected to increase to 132 people per square mile by 2010. The 1999 VMT in Kaufman County was 965 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

NOx emissions are projected to increase almost 100% to 22 tpd in 2010 from 12 tpd in 1999. Although Kaufman County has a relatively small population compared to the core DFW area counties, it is increasing very fast which significantly influences the county's population density. Western Kaufman County is an expanding urban community and the entire county's projected population density is 132 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 277,745 and a population density of 352 people/square mile by 2030. The increased emissions, the high projected growth, the proximity to the core metroplex and the urbanization of Western Kaufman County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Kaufman County does contribution to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Kaufman County nonattainment for 8-hour ozone.

Rockwall County is located just to the east-southeast of Dallas and Denton Counties in the

DFW metroplex. The ozone monitor in Rockwall County is monitoring attainment, although the 2001-2003 DV (81 ppb) is relatively close to the 8-hour ozone standard (85 ppb). Total NOx emissions in Rockwall County were 4.2 tpd in 1999. Total NOx emissions in Rockwall County are projected to be 4.0 tpd in 2010 (TCEQ). Total VOC emissions in Rockwall County were 4.0 tpd in 1999. Total VOC emissions in Rockwall County are projected to be 4 tpd in 2010 (TCEQ). The population in Rockwall County in 2000 was 43,080. The 2010 population in Rockwall County is projected to be 67,687. Rockwall County 2000-2010 population growth is projected to be a very high 57.1%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Rockwall County was 337 people/square mile and is projected to significantly increase to 529 people per square mile by 2010. The 1999 VMT in Rockwall County was 377 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

NOx and VOC emissions are not expected to increase significantly in the near future. Although Rockwall County has a relatively small population compared to other DFW area counties, it is, by far, the smallest county in the DFW metroplex (only 128 square miles) which significantly influences the county's population density. Rockwall County is quickly becoming an urban community with a projected population density of 529 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 145,000 and a population density of 1,133 people/square mile by 2030. The high projected growth, the proximity to the core metroplex and the urbanization of Rockwall County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Rockwall County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Rockwall County nonattainment for 8-hour ozone.

In summary for the DFW area, the EPA designates 9 counties in the DFW C/MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties. The EPA designates 3 counties in the DFW C/MSA as attainment for the 8-hour ozone standard: Henderson, Hood and Hunt Counties. The EPA agrees with the State of Texas on the designation of Collin, Dallas, Denton, Ellis, Henderson, Hood, Hunt, Johnson, Parker, and Tarrant Counties. The EPA disagrees with the State of Texas on the designation of Kaufman County and Rockwall County.

Comal County is located north-northeast of Bexar County in the San Antonio MSA. The city of San Antonio, the core metropolitan area in this MSA is located in Bexar County. There is no ozone monitor in Comal County. Total NOx emissions in Comal County were 21.6 tpd in 1999. Total NOx emissions in Comal County are projected to be 21 tpd in 2007 (TCEQ). Total VOC emissions in Comal County were 11.4 tpd in 1999. Total VOC emissions in Comal County are projected to increase to 12 tpd in 2007 (TCEQ). The population in Comal County in 2000 was 78,021. Comal County 1990-2000 population growth was a very high 50.5%. Comal County 2000-2010 population growth is projected to be an even higher 52.3%, among the highest of any county in a nonattainment area in the nation. The 2010 population in Comal County is projected to be 118,797 and the 2030 population is projected to be 237,651. The 2000 population density in

Comal County was 128.5 people/square mile and is projected to increase to 214 people per square mile by 2010 and 428.2 people per square mile by 2030. Comal County's 2000 population accounts for 4.9% of the San Antonio MSA population and that is projected to increase to 5.2% by 2007 and to 9.7% by 2030. The 1999 VMT (VMT) in Comal County was 773 million miles. Ninety percent of this County's workers drive to work in the San Antonio MSA.

The percent contribution of Comal County's CAA emissions to the total MSA CAA emissions are projected to increase from 8.5% in 1999 to 10.4% in 2007. Interstate 35 runs directly through Comal County between two high-growth metropolitan areas, San Antonio and Austin. The increased emissions, the high projected growth, the proximity to the core metropolitan areas and the urbanization of Southern Comal County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Comal County does contribute to the 8-hour ozone violation in the San Antonio MSA. Therefore, the U.S. EPA designates Comal County nonattainment for 8-hour ozone.

Guadalupe County is located east-southeast of Bexar County. The city of San Antonio, the core metropolitan area in this MSA is located in Bexar County. The ozone monitor in Guadalupe County does not have sufficient data to calculate a 2001-2003 DV and this monitor does not meet the federal reference method.

Total NOx emissions in Guadalupe County were 15.6 tpd in 1999. Total NOx emissions in Guadalupe County are projected to be 15 tpd in 2007 (TCEQ). Total VOC emissions in Guadalupe County were 23.9 tpd in 1999. Total VOC emissions in Guadalupe County are projected to be 18 tpd in 2007 (TCEQ). The population in Guadalupe County in 2000 was 89,023. Guadalupe County 1990-2000 population growth was high at 37.2%. Guadalupe County 2000-2010 population growth is projected to be slightly higher at 37.9%. The 2010 population in Guadalupe County is projected to be about 122,728 and the 2030 population is projected to be 214,324. The 2000 population density in Guadalupe County was 124.9 people/square mile and is projected to increase to 172.1 people per square mile by 2010 and 300.6 people per square mile by 2030. Guadalupe County's 2000 population accounts for 5.8% of the San Antonio MSA population and that is projected to increase to 5.2% by 2007 and to 9.7% by 2030. The 1999 VMT in Guadalupe County was 1.095 billion miles. Eighty-eight percent of this County's workers drive to work in the San Antonio MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the San Antonio area more frequently.

While actual CAA emissions are predicted to drop slightly between 1999 and 2007, the percent contribution of Guadalupe County's CAA emissions to the total MSA CAA emissions are projected to increase from 6.4% in 1999 to 7.4% in 2007. While actual VOC emissions are predicted to drop slightly between 1999 and 2007, the percent contribution of Guadalupe County's CAA emissions to the total MSA CAA emissions are projected to increase from 9.2% in 1999 to 9.8% in 2007. The meteorological information, the increased percent contribution in NOx and VOC emissions, the high projected growth, the proximity to the core metropolitan areas and the urbanization of western Guadalupe County are notable. Based on an overall evaluation of

this data, the U.S. EPA finds that Guadalupe County does contribute to the 8-hour ozone violation in the San Antonio MSA. Therefore, the U.S. EPA designates Guadalupe County nonattainment for 8-hour ozone.

In summary for the San Antonio area, the EPA designates 3 counties in the San Antonio MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Bexar, Comal and Guadalupe Counties. The EPA designates one county in the San Antonio MSA as attainment for the 8-hour ozone standard: Wilson County. The EPA agrees with the State on the designation of Bexar County and Wilson County. The EPA disagrees with the State of Texas on the designation of Comal County and Guadalupe County.

Comment 1060:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A few commenters believed that Henderson, Hunt, Kaufman, and Rockwall Counties in Texas should not be designated nonattainment. These counties should not be designated nonattainment simply because they are in the Dallas-Ft. Worth CMSA. TCEQ has submitted scientific data to the EPA that supports their claim that these counties are not in violation of clean air laws. These counties are rural, and a nonattainment designation will impose a sizable burden on their citizens, with little or no impact on the air quality in Dallas-Ft. Worth.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth (DFW) consolidated MSA (C/MSA) were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker Counties. Five Counties that are also in the DFW C/MSA, Henderson, Hood, Hunt, Kaufman, and Rockwall counties, were not part of Texas' nonattainment recommendation.

On December 3, 2003, we responded to the Governor recommending the 12-county MSA as the boundary. However, at the time our response letters were prepared, we had not received supporting data on the influence of each of the counties from the State of Texas. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. We requested that the State submit any additional information by February 6, 2004. The State of Texas submitted additional information on February 5, 2004 and February 6, 2004.

The EPA has evaluated all pertinent information, including the data submitted by this commenter in this package, to determine whether each of the twelve counties in the C/MSA is contributing to ozone violations in the Dallas-Fort Worth MSA. For the five counties where EPA and the State differed on decisions, information is provided below:

Henderson County is in the far southeast corner of the C/MSA metroplex. There is no

ozone monitor in Henderson County. Total NOx emissions in Henderson County were 16.8 tpd in 1999. Total NOx emissions in Henderson County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Henderson County were 16.1 tpd in 1999. Total VOC emissions in Henderson County are projected to be 12 tpd in 2010 (TCEQ). The population in Henderson County in 2000 was 73,277. The 2010 population in Henderson County is projected to be 95,308. Henderson County 2000-2010 population growth is projected to be 30.1%. The 1999 population density in Henderson County was low (83 people/square mile) and is only projected to increase to 107 people per square mile by 2010. The 1999 VMT in Henderson County was 851 million miles. Seventy-eight percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Henderson County has low emissions, low population and low population density. Future growth, although at 30%, does not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Henderson County does not cause or significantly contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Henderson County attainment/unclassifiable for 8-hour ozone.

Hunt County is in the far northeast corner of the C/MSA metroplex. The ozone monitor in Hunt County is monitoring attainment for the 8-hour ozone standard. Total NOx emissions in Hunt County were 11.7 tpd in 1999. Total NOx emissions in Hunt County are projected to be 7 tpd in 2010 (TCEQ). Total VOC emissions in Hunt County were 14.4 tpd in 1999. Total VOC emissions in Hunt County are projected to be 13 tpd in 2010 (TCEQ). The population in Hunt County in 2000 was 76,596. The 2010 population in Hunt County is projected to be 101,425. The 2000-2010 population growth is projected to be 32.4% in Hunt County. The 1999 Hunt County population density was low (91 people/square mile) and is only projected to increase to 120 people per square mile by 2010. The 1999 VMT in Hunt County was 954 million miles. Ninety-five percent of Hunt County workers drive to work in the DFW C/MSA. Hunt county is downwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry away from the DFW area more frequently.

Hunt County has low emissions, low population and low population density. Future growth, although at 32%, does not appear to present a significant future burden on the metroplex in the foreseeable future, given the low population density now. Based on an overall evaluation of this data, the U.S. EPA finds that Hunt County does not cause or significantly contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hunt County attainment/unclassifiable for 8-hour ozone.

Kaufman County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Kaufman County is monitoring attainment (73 ppb). Total NOx emissions in Kaufman County were 12 tpd in 1999. Total NOx emissions in Kaufman County are projected to be 22 tpd in 2010 (TCEQ). Total VOC emissions in Kaufman County were 7.1 tpd in 1999. Total VOC emissions in Kaufman County are projected to increase to 17/12

tpd in 2010 (TCEQ). The population in Kaufman County in 2000 was 71,313. The 2010 population in Kaufman County is projected to be 104,315. Kaufman County 2000-2010 population growth is projected to be a very high 46.3%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Kaufman County was 91 people/square mile and is projected to increase to 132 people per square mile by 2010. The 1999 VMT in Kaufman County was 965 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Nitrogen oxide emissions are projected to increase almost 100% to 22 tpd in 2010 from 12 tpd in 1999. Although Kaufman County has a relatively small population compared to the core DFW area counties, it is increasing very fast which significantly influences the county's population density. Western Kaufman County is an expanding urban community and the entire county's projected population density is 132 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 277,745 and a population density of 352 people/square mile by 2030. The increased emissions, the high projected growth, the proximity to the core metroplex and the urbanization of Western Kaufman County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Kaufman County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Kaufman County nonattainment for 8-hour ozone.

Rockwall County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Rockwall County is monitoring attainment, although the 2001-2003 DV (81 ppb) is relatively close to the 8-hour ozone standard (85 ppb). Total NOx emissions in Rockwall County were 4.2 tpd in 1999. Total NOx emissions in Rockwall County are projected to be 4.0 tpd in 2010 (TCEQ). Total VOC emissions in Rockwall County were 4.0 tpd in 1999. Total VOC emissions in Rockwall County are projected to be 4 tpd in 2010 (TCEQ). The population in Rockwall County in 2000 was 43,080. The 2010 population in Rockwall County is projected to be 67,687. Rockwall County 2000-2010 population growth is projected to be a very high 57.1%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Rockwall County was 337 people/square mile and is projected to significantly increase to 529 people per square mile by 2010. The 1999 VMT in Rockwall County was 377 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Nitrogen oxide and VOC emissions are not expected to increase significantly in the near future. Although Rockwall County has a relatively small population compared to other DFW area counties, it is, by far, the smallest county in the DFW metroplex (only 128 square miles) which significantly influences the county's population density. Rockwall County is quickly becoming an urban community with a projected population density of 529 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 145,000 and a population density of 1,133 people/square mile by 2030. The high

projected growth, the proximity to the core metroplex and the urbanization of Rockwall County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Rockwall County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Rockwall County nonattainment for 8-hour ozone.

In summary for the DFW area, the EPA designates 9 counties in the DFW C/MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties. The EPA designates 3 counties in the DFW C/MSA as attainment for the 8-hour ozone standard: Henderson, Hood and Hunt Counties. The EPA disagrees with the State of Texas on the designation of Kaufman County and Rockwall County.

Comment 171:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A commenter expressed concern about designating Hood County as nonattainment. He believes this will cause economic harm to the county. He notes that air quality monitoring data shows that Hood county has always monitored attainment for both the 1-hour and 8-hour ozone standards. He acknowledges the need to continually evaluate new data including the transport of emissions to the DFW area but requests that EPA only designate areas with violating monitors.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth (DFW) area were recommended for nonattainment. Hood County was not one of the counties that the Governor recommended for nonattainment. The CAA (CAA) requires EPA to notify the State if EPA intends to modify the State's recommendation. In EPA's December 3, 2003, response to the Governor, the Agency recommended the 12 county consolidated MSA (C/MSA) as the boundary. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. The State submitted additional information to us on February 5, 2004 and February 6, 2004.

Although Hood County is monitoring attainment of the 8-hour ozone standard, monitoring attainment is not the sole criterion for determining whether a county should be included as part of a designated nonattainment area. The CAA requires EPA to designate as nonattainment not only areas that are violating the standard but also those nearby areas that are contributing to a violation of the standard. The CAA requires EPA to designate as nonattainment not only areas that are violating the standard but also those nearby areas that are contributing to a violation of the standard. The EPA must evaluate all pertinent information to determine whether Hood County contributed to ozone violations in the MSA.

Hood County is in the far southwest corner of the C/MSA metroplex. The ozone monitor in Hood County is monitoring attainment, although the 2001-2003 DV (84 ppb) is very close to the 8-hour ozone standard (85 ppb). Total NO_x emissions in Hood County were 26.4 tpd in 1999. Total NO_x emissions in Hood County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Hood County were 6.0 tpd in 1999. Total VOC emissions in Hood County are projected to be 4 tpd in 2010 (TCEQ). The population in Hood County in 2000 was 41,100. The 2010 population in Hood County is projected to be 57,063. Hood County 2000-2010 population growth is projected to be 38.8%. The 1999 population density in Hood County was low (97 people/square mile) and is only projected to increase to 134 people per square mile by 2010. The 1999 VMT in Hood County was only 375 million miles. Ninety percent of this County's workers drive to work within the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Hood County is expected to have a significant decrease in nitrogen oxide emissions by 2010. Hood County has a relatively low population and low population density. Future growth, although at 38% do not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Hood County does not contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hood County attainment for 8-hour ozone.

Following a thorough evaluation of data submitted by the TCEQ and additional data gathered by EPA, the Agency has determined that Hood County does not contribute to violations of the 8-hour ozone standard in the Dallas-Fort Worth MSA.

Comment 172:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A few commenters express strong support for the Texas recommendation to designate Ellis County as nonattainment. They believe that the entire Dallas-Fort Worth region needs to stand together in the effort to reduce pollution and they urge EPA not to remove Ellis County from the list of designated nonattainment counties.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth consolidated MSA (C/MSA) were recommended for nonattainment. Ellis County was included as one of the counties recommended for nonattainment in the Dallas-Fort Worth C/MSA.

Although Ellis County is primarily rural, the county is growing rapidly. The North Texas Council of Governments (NTCOG) predicts the population of Ellis County to be 448,588 by the year 2030. The northern part of Ellis County is quickly becoming an urbanized area.

While the current 2001-2003 DV is 82 ppb and below the 8-hour ozone standard, Ellis County has violated the 8-hour standard in recent years. Further, based on historical data, there is approximately an 85% chance that the 2002-2004 DV will exceed the 8-hour standard.

Ellis County does contribute about 3% of the total C/MSA vehicle emissions; 6% of the NOx and 4.6% of the VOC emissions now. However, future vehicle miles traveled and NOx emissions will be increasing. 2010 Ellis County NOx emissions of 58 tpd will represent about 10% of the total NOx for the DFW area. Although Ellis County's major sources have in place or are installing federally enforceable NOx controls, consideration of possible future point source contributions from an upwind county that is already contributing to DFW's air quality problems is warranted.

An photochemical modeling study suggests that point sources emissions in Ellis county account, on average, for approximately 1.73 ppb ozone that is monitored in the core 4-county 1-hour nonattainment area (Collin, Dallas, Denton, Tarrant) where ozone concentrations in that area drive the area's ozone DV. However, culpability analyses have also shown that on specific days when the monitored ozone concentrations exceeded 85 ppb ozone during the same modeled ozone episode, point source NOx emissions from Ellis County account for up to 20 ppb ozone.

The EPA must evaluate all pertinent information to determine whether Ellis County contributed to ozone violations in the Dallas-Fort Worth C/MSA. Following a thorough evaluation of data submitted by the TCEQ and additional data gathered by EPA, the Agency has determined that Ellis County does contribute to violations of the 8-hour ozone standard in the Dallas-Fort Worth C/MSA and therefore is designated nonattainment. For additional details on the analysis of data, please refer to the docket and the TSD for the promulgation of designations for the 8-hour ozone standard.

Comment 173:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A commenter supports the designation of the entire Dallas-Fort Worth CMSA as nonattainment. It is noted that Ellis County, which was originally excluded, is home to the largest industrial complex in North Texas. Any attempt to exclude Ellis county will hamper the areas efforts toward reaching attainment.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth consolidated MSA (C/MSA) were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker Counties. Five Counties that are also in the DFW C/MSA, Henderson, Hood, Hunt, Kaufman, and Rockwall counties, were not part of Texas' nonattainment recommendation.

On December 3, 2003, we responded to the Governor recommending the 12-county MSA

as the boundary. However, at the time our response letters were prepared, we had not received supporting data on the influence of each of the counties from the State of Texas. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. We requested additional pertinent information from the State of Texas by February 6, 2004. The State of Texas submitted additional information on February 5, 2004 and February 6, 2004.

The EPA has evaluated all pertinent information, including the data submitted from the State, to determine whether each of the twelve counties in the C/MSA is contributing or will contribute to ozone violations in the Dallas-Fort Worth C/MSA. For the five counties where EPA and the State differed on decisions, information is provided below:

Henderson County is in the far southeast corner of the C/MSA metroplex. There is no ozone monitor in Henderson County. Total NO_x emissions in Henderson County were 16.8 tpd in 1999. Total NO_x emissions in Henderson County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Henderson County were 16.1 tpd in 1999. Total VOC emissions in Henderson County are projected to be 12 tpd in 2010 (TCEQ). The population in Henderson County in 2000 was 73,277. The 2010 population in Henderson County is projected to be 95,308. Henderson County 2000-2010 population growth is projected to be 30.1%. The 1999 population density in Henderson County was low (83 people/square mile) and is only projected to increase to 107 people per square mile by 2010. The 1999 VMT in Henderson County was 851 million miles. Seventy-eight percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Henderson County has low emissions, low population and low population density. Future growth, although at 30%, does not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Henderson County does not cause or contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Henderson County attainment/unclassifiable for 8-hour ozone.

Hood County is in the far southwest corner of the C/MSA metroplex. The ozone monitor in Hood County is monitoring attainment, although the 2001-2003 DV (84 ppb) is very close to the 8-hour ozone standard (85 ppb). Total NO_x emissions in Hood County were 26.4 tpd in 1999. Total NO_x emissions in Hood County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Hood County were 6.0 tpd in 1999. Total VOC emissions in Hood County are projected to be 4 tpd in 2010 (TCEQ). The population in Hood County in 2000 was 41,100. The 2010 population in Hood County is projected to be 57,063. Hood County 2000-2010 population growth is projected to be 38.8%. The 1999 population density in Hood County was low (97 people/square mile) and is only projected to increase to 134 people per square mile by 2010. The 1999 VMT in Hood County was only 375 million miles. Ninety percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Hood County is expected to have a significant decrease in nitrogen oxide emissions by 2010. Hood County has a relatively low population and low population density. Future growth, although at 38% do not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Hood County does not contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hood County attainment for 8-hour ozone.

Hunt County is in the far northeast corner of the C/MSA metroplex. The ozone monitor in Hunt County is monitoring attainment for the 8-hour ozone standard. Total NOx emissions in Hunt County were 11.7 tpd in 1999. Total NOx emissions in Hunt County are projected to be 7 tpd in 2010 (TCEQ). Total VOC emissions in Hunt County were 14.4 tpd in 1999. Total VOC emissions in Hunt County are projected to be 13 tpd in 2010 (TCEQ). The population in Hunt County in 2000 was 76,596. The 2010 population in Hunt County is projected to be 101,425. The 2000-2010 population growth is projected to be 32.4% in Hunt County. The 1999 Hunt County population density was low (91 people/square mile) and is only projected to increase to 120 people per square mile by 2010. The 1999 VMT in Hunt County was 954 million miles. Ninety-five percent of Hunt County workers drive to work in the DFW C/MSA. Hunt county is downwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry away from the DFW area more frequently.

Hunt County has low emissions, low population and low population density. Future growth, although at 32%, does not appear to present a significant future burden on the metroplex in the foreseeable future, given the low population density now. Based on an overall evaluation of this data, the U.S. EPA finds that Hunt County does not cause or contribution to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hunt County attainment/unclassifiable for 8-hour ozone.

Kaufman County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Kaufman County is monitoring attainment (73 ppb). Total NOx emissions in Kaufman County were 12 tpd in 1999. Total NOx emissions in Kaufman County are projected to be 22 tpd in 2010 (TCEQ). Total VOC emissions in Kaufman County were 7.1 tpd in 1999. Total VOC emissions in Kaufman County are projected to increase to 17/12 tpd in 2010 (TCEQ). The population in Kaufman County in 2000 was 71,313. The 2010 population in Kaufman County is projected to be 104,315. Kaufman County 2000-2010 population growth is projected to be a very high 46.3%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Kaufman County was 91 people/square mile and is projected to increase to 132 people per square mile by 2010. The 1999 VMT in Kaufman County was 965 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Nitrogen oxide emissions are projected to increase almost 100% to 22 tpd in 2010 from 12 tpd in 1999. Although Kaufman County has a relatively small population compared to the core

DFW area counties, it is increasing very fast which significantly influences the county's population density. Western Kaufman County is an expanding urban community and the entire county's projected population density is 132 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 277,745 and a population density of 352 people/square mile by 2030. The increased emissions, the high projected growth, the proximity to the core metroplex and the urbanization of Western Kaufman County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Kaufman County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Kaufman County nonattainment for 8-hour ozone.

Rockwall County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Rockwall County is monitoring attainment, although the 2001-2003 DV (81 ppb) is relatively close to the 8-hour ozone standard (85 ppb). Total NO_x emissions in Rockwall County were 4.2 tpd in 1999. Total NO_x emissions in Rockwall County are projected to be 4.0 tpd in 2010 (TCEQ). Total VOC emissions in Rockwall County were 4.0 tpd in 1999. Total VOC emissions in Rockwall County are projected to be 4 tpd in 2010 (TCEQ). The population in Rockwall County in 2000 was 43,080. The 2010 population in Rockwall County is projected to be 67,687. Rockwall County 2000-2010 population growth is projected to be a very high 57.1%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Rockwall County was 337 people/square mile and is projected to significantly increase to 529 people per square mile by 2010. The 1999 VMT in Rockwall County was 377 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Nitrogen oxide and VOC emissions are not expected to increase significantly in the near future. Although Rockwall County has a relatively small population compared to other DFW area counties, it is, by far, the smallest county in the DFW metroplex (only 128 square miles) which significantly influences the county's population density. Rockwall County is quickly becoming an urban community with a projected population density of 529 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 145,000 and a population density of 1,133 people/square mile by 2030. The high projected growth, the proximity to the core metroplex and the urbanization of Rockwall County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Rockwall County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Rockwall County nonattainment for 8-hour ozone.

In summary, the EPA designates 9 counties in the DFW C/MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties. The EPA designates 3 counties in the DFW C/MSA as attainment for the 8-hour ozone standard: Henderson, Hood and Hunt Counties.

Comment 174:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A commenter urges EPA to designate all twelve counties in the Dallas-Fort Worth CMSA as nonattainment. He considers it necessary for Ellis County to also be included due to the large sources of emissions of pollution.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth consolidated MSA (C/MSA) were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker Counties. Five Counties that are also in the DFW C/MSA, Henderson, Hood, Hunt, Kaufman, and Rockwall counties, were not part of Texas' nonattainment recommendation.

On December 3, 2003, we responded to the Governor recommending the 12-county MSA as the boundary. However, at the time our response letters were prepared, we had not received supporting data on the influence of each of the counties from the State of Texas. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. We requested additional pertinent information from the State of Texas by February 6, 2004. The State of Texas submitted additional information on February 5, 2004 and February 6, 2004.

The EPA has evaluated all pertinent information, including the data submitted from the State, to determine whether each of the twelve counties in the C/MSA is contributing or will contribute to ozone violations in the Dallas-Fort Worth C/MSA. For the five counties where EPA and the State differed on decisions, information is provided below:

Henderson County is in the far southeast corner of the C/MSA metroplex. There is no ozone monitor in Henderson County. Total NO_x emissions in Henderson County were 16.8 tpd in 1999. Total NO_x emissions in Henderson County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Henderson County were 16.1 tpd in 1999. Total VOC emissions in Henderson County are projected to be 12 tpd in 2010 (TCEQ). The population in Henderson County in 2000 was 73,277. The 2010 population in Henderson County is projected to be 95,308. Henderson County 2000-2010 population growth is projected to be 30.1%. The 1999 population density in Henderson County was low (83 people/square mile) and is only projected to increase to 107 people per square mile by 2010. The 1999 VMT in Henderson County was 851 million miles. Seventy-eight percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Henderson County has low emissions, low population and low population density. Future growth, although at 30%, does not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Henderson County does not cause or contribution to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Henderson County attainment/unclassifiable for

8-hour ozone.

Hood County is in the far southwest corner of the C/MSA metroplex. The ozone monitor in Hood County is monitoring attainment, although the 2001-2003 DV (84 ppb) is very close to the 8-hour ozone standard (85 ppb). Total NO_x emissions in Hood County were 26.4 tpd in 1999. Total NO_x emissions in Hood County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Hood County were 6.0 tpd in 1999. Total VOC emissions in Hood County are projected to be 4 tpd in 2010 (TCEQ). The population in Hood County in 2000 was 41,100. The 2010 population in Hood County is projected to be 57,063. Hood County 2000-2010 population growth is projected to be 38.8%. The 1999 population density in Hood County was low (97 people/square mile) and is only projected to increase to 134 people per square mile by 2010. The 1999 VMT in Hood County was only 375 million miles. Ninety percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Hood County is expected to have a significant decrease in nitrogen oxide emissions by 2010. Hood County has a relatively low population and low population density. Future growth, although at 38% do not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Hood County does not contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hood County attainment for 8-hour ozone.

Hunt County is in the far northeast corner of the C/MSA metroplex. The ozone monitor in Hunt County is monitoring attainment for the 8-hour ozone standard. Total NO_x emissions in Hunt County were 11.7 tpd in 1999. Total NO_x emissions in Hunt County are projected to be 7 tpd in 2010 (TCEQ). Total VOC emissions in Hunt County were 14.4 tpd in 1999. Total VOC emissions in Hunt County are projected to be 13 tpd in 2010 (TCEQ). The population in Hunt County in 2000 was 76,596. The 2010 population in Hunt County is projected to be 101,425. The 2000-2010 population growth is projected to be 32.4% in Hunt County. The 1999 Hunt County population density was low (91 people/square mile) and is only projected to increase to 120 people per square mile by 2010. The 1999 VMT in Hunt County was 954 million miles. Ninety-five percent of Hunt County workers drive to work in the DFW C/MSA. Hunt county is downwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry away from the DFW area more frequently.

Hunt County has low emissions, low population and low population density. Future growth, although at 32%, does not appear to present a significant future burden on the metroplex in the foreseeable future, given the low population density now. Based on an overall evaluation of this data, the U.S. EPA finds that Hunt County does not cause or contribution to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hunt County attainment/unclassifiable for 8-hour ozone.

Kaufman County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Kaufman County is monitoring attainment (73 ppb).

Total NOx emissions in Kaufman County were 12 tpd in 1999. Total NOx emissions in Kaufman County are projected to be 22 tpd in 2010 (TCEQ). Total VOC emissions in Kaufman County were 7.1 tpd in 1999. Total VOC emissions in Kaufman County are projected to increase to 17/12 tpd in 2010 (TCEQ). The population in Kaufman County in 2000 was 71,313. The 2010 population in Kaufman County is projected to be 104,315. Kaufman County 2000-2010 population growth is projected to be a very high 46.3%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Kaufman County was 91 people/square mile and is projected to increase to 132 people per square mile by 2010. The 1999 VMT in Kaufman County was 965 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Nitrogen oxide emissions are projected to increase almost 100% to 22 tpd in 2010 from 12 tpd in 1999. Although Kaufman County has a relatively small population compared to the core DFW area counties, it is increasing very fast which significantly influences the county's population density. Western Kaufman County is an expanding urban community and the entire county's projected population density is 132 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 277,745 and a population density of 352 people/square mile by 2030. The increased emissions, the high projected growth, the proximity to the core metroplex and the urbanization of Western Kaufman County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Kaufman County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Kaufman County nonattainment for 8-hour ozone.

Rockwall County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Rockwall County is monitoring attainment, although the 2001-2003 DV (81 ppb) is relatively close to the 8-hour ozone standard (85 ppb). Total NOx emissions in Rockwall County were 4.2 tpd in 1999. Total NOx emissions in Rockwall County are projected to be 4.0 tpd in 2010 (TCEQ). Total VOC emissions in Rockwall County were 4.0 tpd in 1999. Total VOC emissions in Rockwall County are projected to be 4 tpd in 2010 (TCEQ). The population in Rockwall County in 2000 was 43,080. The 2010 population in Rockwall County is projected to be 67,687. Rockwall County 2000-2010 population growth is projected to be a very high 57.1%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Rockwall County was 337 people/square mile and is projected to significantly increase to 529 people per square mile by 2010. The 1999 VMT in Rockwall County was 377 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Nitrogen oxide and VOC emissions are not expected to increase significantly in the near future. Although Rockwall County has a relatively small population compared to other DFW area counties, it is, by far, the smallest county in the DFW metroplex (only 128 square miles) which significantly influences the county's population density. Rockwall County is quickly

becoming an urban community with a projected population density of 529 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 145,000 and a population density of 1,133 people/square mile by 2030. The high projected growth, the proximity to the core metroplex and the urbanization of Rockwall County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Rockwall County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Rockwall County nonattainment for 8-hour ozone.

Although Ellis County is primarily rural, the county is growing rapidly. The North Texas Council of Governments (NTCOG) predicts the population of Ellis County to be 448,588 by the year 2030. The northern part of Ellis County is quickly becoming an urbanized area.

While the current 2001-2003 DV is 82 ppb and below the 8-hour ozone standard, Ellis County has violated the 8-hour standard in recent years. Further, based on historical data, there is approximately an 85% chance that the 2002-2004 DV will exceed the 8-hour standard.

Ellis County does contribute about 3% of the total C/MSA vehicle emissions; 6% of the NO_x and 4.6% of the VOC emissions now. However, future vehicle miles traveled and NO_x emissions will be increasing. 2010 Ellis County NO_x emissions of 58 tpd will represent about 10% of the total NO_x for the DFW area. Although Ellis County's major sources have in place or are installing federally enforceable NO_x controls, consideration of possible future point source contributions from an upwind county that is already contributing to DFW's air quality problems is warranted.

An photochemical modeling study suggests that point sources emissions in Ellis county account, on average, for approximately 1.73 ppb ozone that is monitored in the core 4-county 1-hour nonattainment area (Collin, Dallas, Denton, Tarrant) where ozone concentrations in that area drive the area's ozone DV. However, culpability analyses have also shown that on specific days when the monitored ozone concentrations exceeded 85 ppb ozone during the same modeled ozone episode, point source NO_x emissions from Ellis County account for up to 20 ppb ozone.

In summary, the EPA designates 9 counties in the DFW C/MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties. The EPA designates 3 counties in the DFW C/MSA as attainment for the 8-hour ozone standard: Henderson, Hood and Hunt Counties.

Comment 175:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A commenter urges EPA to exclude Ellis County from the Dallas-Fort Worth CMSA and designate it attainment because the monitoring data indicates that Ellis County does not contribute to nonattainment in the area. He notes that: 1) Ellis County is primarily rural and is in

attainment based on the latest data where the average DV is 82 ppb; 2) Ellis County has voluntarily implemented mobile source control measures; 3) Ellis County contributes less than 3% of the total C/MSA vehicle emissions, 6% of the NO_x and 4.6% of the VOC emissions; 4) Ellis County's major sources have in place or are installing federally enforceable NO_x controls; 5) studies have shown that DFW's air quality problems are related to vehicle not point source emissions; 6) monitor data and photochemical modeling studies suggest that Ellis County and cement kilns in that county are not significant contributors to ozone exceedances in the DFW 4-county area.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth (DFW) consolidated MSA (C/MSA) were recommended for nonattainment. Ellis County was included as one of the seven counties that the State of Texas recommended for nonattainment in the DFW C/MSA.

Although Ellis County is primarily rural, the county is growing rapidly. The 2000 population in Ellis County was 111,360. Between 2000 and 2010, Ellis County is predicted to grow at rate of 36.4%. The 2010 population is predicted to be 151,909. The North Central Texas Council of Governments (NCTCOG) predicts the population of Ellis County to be 448,588 by the year 2030. The northern part of Ellis County is quickly becoming a highly urbanized area.

While the current 2001-2003 DV is 82 ppb and below the 8-hour ozone standard, Ellis County has violated the 8-hour standard in the past. The first year that the Ellis County monitor has sufficient data to calculate a DV was 1998 and in that year the monitor was in violation of the 8-hour standard. The Ellis County monitor remained in violation of the standard every year from 1998 through 2002. The 2003 ozone season was the first year that the monitor registered attainment. However, the lowest year in the current 3-year average is 2001, which will fall off with this summer's data and, based on historical data, there is approximately an 85% chance that the 2002-2004 DV will exceed the 8-hour standard.

Meteorological data indicate that Ellis County is upwind of the Dallas-Fort Worth area. Data provided by the Texas Commission on Environmental Quality (TCEQ) stated that Ellis County is upwind of the urban core 58% of the time and downwind only 8% of the time during the April through October ozone season. Geographically, Ellis County is located directly south of Dallas County and southern winds, which dominate during the ozone season, carry ozone precursor emissions from Ellis County into the 4-county 1-hour nonattainment area (Collin, Dallas, Denton, Tarrant).

Ellis County does contribute about 3% of the total C/MSA vehicle emissions. The county contributes 6% of the nitrogen oxide (NO_x) emissions and 4.6% of the volatile organic compound (VOC) emissions as of 1999. Future VMT and total NO_x emissions will be increasing in Ellis County. By 2010, Ellis County total NO_x emissions are predicted to be 58 tpd and will represent about 10% of the total NO_x for the entire DFW area (TCEQ, 2/6/04). Ellis County accounts for 40% of the total point source NO_x emissions in the DFW C/MSA. Although Ellis County's

major sources have in place or are installing federally enforceable NO_x controls, consideration of possible future point source contributions from Ellis County, an upwind county already contributing to DFW's emissions inventory, is warranted.

Average photochemical modeling studies suggest that point sources emissions in Ellis county account for approximately 1.73 ppb ozone that is monitored in the core 4-county 1-hour nonattainment area where ozone concentrations in that area drive the area's ozone DV. However, culpability analyses have also shown that on specific days when the 8-hour ozone standard was exceeded during the same modeled ozone episode, point source NO_x emissions from Ellis County account for up to 20 ppb ozone at monitors in the core 4-county metropolitan area (Final Report-Dallas Ft. Worth Transport Project, ENVIRON, April 6, 2004).

Following a thorough evaluation of data submitted by the TCEQ and additional data gathered by EPA, the Agency has determined that Ellis County does contribute to violations of the 8-hour ozone standard in the Dallas-Fort Worth C/MSA. For additional details on the analysis of data, please refer to the docket and the TSD for the promulgation of designations for the 8-hour ozone standard.

Comment 236:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A commenter believed EPA should exclude Henderson County from the list of federally recommended nonattainment areas. The state will be submitting data to the EPA demonstrating that Henderson County should maintain its current attainment status.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth (DFW) consolidated MSA (C/MSA) were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker Counties. Five Counties that are also in the DFW C/MSA, Henderson, Hood, Hunt, Kaufman, and Rockwall counties, were not part of Texas' nonattainment recommendation.

On December 3, 2003, we responded to the Governor recommending the 12-county MSA as the boundary. However, at the time our response letters were prepared, we had not received supporting data on the influence of each of the counties from the State of Texas. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. The State of Texas submitted additional information on February 5, 2004 and February 6, 2004.

The EPA has evaluated all pertinent information, including the data submitted by this commenter in this package, to determine whether each of the twelve counties in the DFW C/MSA

is contributing or will contribute to ozone violations in this area. For Henderson County which is one of the five Counties where EPA and the State differed on decisions, information is provided below:

Henderson County is in the far southeast corner of the C/MSA metroplex. There is no ozone monitor in Henderson County. Total NOx emissions in Henderson County were 16.8 tpd in 1999. Total NOx emissions in Henderson County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Henderson County were 16.1 tpd in 1999. Total VOC emissions in Henderson County are projected to be 12 tpd in 2010 (TCEQ). The population in Henderson County in 2000 was 73,277. The 2010 population in Henderson County is projected to be 95,308. Henderson County 2000-2010 population growth is projected to be 30.1%. The 1999 population density in Henderson County was low (83 people/square mile) and is only projected to increase to 107 people per square mile by 2010. The 1999 VMT in Henderson County was 851 million miles. Seventy-eight percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Henderson County has low emissions, low population and low population density. Future growth, although at 30%, does not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Henderson County does not cause or significantly contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Henderson County attainment/unclassifiable for 8-hour ozone.

Comment 237:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A commenter states that Hood County has always monitored attainment for both the 1-hr and 8-hr standards. He believes assigning a status of nonattainment to counties that are monitoring attainment penalizes that county. This action is a detrimental policy decision and sends the wrong message to the rest of the State of Texas. The most recent air quality data should be considered for EPA's final decision.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth (DFW) consolidated MSA (C/MSA) were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker Counties. Five Counties that are also in the DFW C/MSA, Henderson, Hood, Hunt, Kaufman, and Rockwall counties, were not part of Texas' nonattainment recommendation.

On December 3, 2003, we responded to the Governor recommending the 12-county MSA as the boundary. However, at the time our response letters were prepared, we had not received

supporting data on the influence of each of the counties from the State of Texas. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. The State of Texas submitted additional information on February 5, 2004 and February 6, 2004.

The EPA has evaluated all pertinent information, including the data submitted by this commenter in this package, to determine whether each of the twelve counties in the DFW C/MSA is contributing or will contribute to ozone violations in this area. For Hood County, which is one of the five Counties where EPA and the State differed on decisions, information is provided below:

Hood County is in the far southwest corner of the C/MSA metroplex. The ozone monitor in Hood County is monitoring attainment, although the 2001-2003 DV (84 ppb) is very close to the 8-hour ozone standard (85 ppb). Total NO_x emissions in Hood County were 26.4 tpd in 1999. Total NO_x emissions in Hood County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Hood County were 6.0 tpd in 1999. Total VOC emissions in Hood County are projected to be 4 tpd in 2010 (TCEQ). The population in Hood County in 2000 was 41,100. The 2010 population in Hood County is projected to be 57,063. Hood County 2000-2010 population growth is projected to be 38.8%. The 1999 population density in Hood County was low (97 people/square mile) and is only projected to increase to 134 people per square mile by 2010. The 1999 VMT in Hood County was only 375 million miles. Ninety percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Hood County is expected to have a significant decrease in nitrogen oxide emissions by 2010. Hood County has a relatively low population and low population density. Future growth, although at 38% do not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Hood County does not contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA is designating Hood County attainment for 8-hour ozone.

Comment 280:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A commenter urges EPA to adopt its December 3 recommendations for the DFW area. Without a nonattainment designation for the entire CMSA, both existing air pollution sources and growing populations in suburban counties will result in increased air pollution just outside the core nonattainment counties. The following points were made regarding the designation of all 12 CMSA counties in the DFW area:

1. TCEQ's analysis shows that the six outlying counties contribute significantly to ozone levels in

the DFW area.

2. TCEQ's use of a 2 ppb impact test is inappropriate for nonattainment designations.
3. Increased growth in the outlying counties will increase the impact of ozone in the DFW area. The TCEQ projections understate the growth projected by the North Texas Council of Governments. By 2030, 19% of DFW's population will lie outside of the four core counties.
4. Increased growth in point source emissions is of special concern. Nearly 70% of the NO_x point source emissions come from the eight outlying counties (40% from Ellis County alone). Unless offsets are required at these sources, they will undermine the region's clean air efforts. TCEQ's assessment of emissions growth doesn't include sources not yet permitted. For example, 17 new sources located within 100 miles of the DFW area are not in the original 2007 modeling inventory.
5. It is crucial EPA designate Ellis County as nonattainment. It contributes 40% of the region's NO_x emissions, it is the fastest growing outlying county and is upwind of the core urban counties 58% of the time. Also, the chances of Ellis County staying in compliance after the 2004 ozone season are one in seven.
6. Failing to designate the full CMSA for DFW will unnecessarily delay the attainment of the NAAQS.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth consolidated MSA (C/MSA) were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker Counties. Five counties in the DFW C/MSA were not part of Texas' nonattainment recommendation; Henderson, Hood, Hunt, Kaufman, and Rockwall counties.

On December 3, 2003, we responded to the Governor recommending the 12-county MSA as the boundary. However, at the time our response letters were prepared, we had not received supporting data on the influence of each of the counties from the State of Texas. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. We requested additional pertinent information from the State of Texas by February 6, 2004. The State of Texas submitted additional information on February 5, 2004 and February 6, 2004.

The EPA has evaluated all pertinent information, including the data submitted from the State, to determine whether each of the twelve counties in the C/MSA is contributing or will contribute to ozone violations in the Dallas-Fort Worth MSA. For the five counties where EPA and the State differed on decisions, information is provided below:

Henderson County is in the far southeast corner of the C/MSA metroplex. There is no ozone monitor in Henderson County. Total NO_x emissions in Henderson County were 16.8 tpd

in 1999. Total NOx emissions in Henderson County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Henderson County were 16.1 tpd in 1999. Total VOC emissions in Henderson County are projected to be 12 tpd in 2010 (TCEQ). The population in Henderson County in 2000 was 73,277. The 2010 population in Henderson County is projected to be 95,308. Henderson County 2000-2010 population growth is projected to be 30.1%. The 1999 population density in Henderson County was low (83 people/square mile) and is only projected to increase to 107 people per square mile by 2010. The 1999 VMT in Henderson County was 851 million miles. Seventy-eight percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Henderson County has low emissions, low population and low population density. Future growth, although at 30%, does not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Henderson County does not cause or contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Henderson County attainment/unclassifiable for 8-hour ozone.

Hood County is in the far southwest corner of the C/MSA metroplex. The ozone monitor in Hood County is monitoring attainment, although the 2001-2003 DV (84 ppb) is very close to the 8-hour ozone standard (85 ppb). Total NOx emissions in Hood County were 26.4 tpd in 1999. Total NOx emissions in Hood County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Hood County were 6.0 tpd in 1999. Total VOC emissions in Hood County are projected to be 4 tpd in 2010 (TCEQ). The population in Hood County in 2000 was 41,100. The 2010 population in Hood County is projected to be 57,063. Hood County 2000-2010 population growth is projected to be 38.8%. The 1999 population density in Hood County was low (97 people/square mile) and is only projected to increase to 134 people per square mile by 2010. The 1999 VMT in Hood County was only 375 million miles. Ninety percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Hood County is expected to have a significant decrease in nitrogen oxide emissions by 2010. Hood County has a relatively low population and low population density. Future growth, although at 38% do not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Hood County does not contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hood County attainment for 8-hour ozone.

Hunt County is in the far northeast corner of the C/MSA metroplex. The ozone monitor in Hunt County is monitoring attainment for the 8-hour ozone standard. Total NOx emissions in Hunt County were 11.7 tpd in 1999. Total NOx emissions in Hunt County are projected to be 7 tpd in 2010 (TCEQ). Total VOC emissions in Hunt County were 14.4 tpd in 1999. Total VOC emissions in Hunt County are projected to be 13 tpd in 2010 (TCEQ). The population in Hunt County in 2000 was 76,596. The 2010 population in Hunt County is projected to be 101,425. The

2000-2010 population growth is projected to be 32.4% in Hunt County. The 1999 Hunt County population density was low (91 people/square mile) and is only projected to increase to 120 people per square mile by 2010. The 1999 VMT in Hunt County was 954 million miles. Ninety-five percent of Hunt County workers drive to work in the DFW C/MSA. Hunt county is downwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry away from the DFW area more frequently.

Hunt County has low emissions, low population and low population density. Future growth, although at 32%, does not appear to present a significant future burden on the metroplex in the foreseeable future, given the low population density now. Based on an overall evaluation of this data, the U.S. EPA finds that Hunt County does not cause or contribution to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hunt County attainment/unclassifiable for 8-hour ozone.

Kaufman County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Kaufman County is monitoring attainment (73 ppb). Total NOx emissions in Kaufman County were 12 tpd in 1999. Total NOx emissions in Kaufman County are projected to be 22 tpd in 2010 (TCEQ). Total VOC emissions in Kaufman County were 7.1 tpd in 1999. Total VOC emissions in Kaufman County are projected to increase to 17/12 tpd in 2010 (TCEQ). The population in Kaufman County in 2000 was 71,313. The 2010 population in Kaufman County is projected to be 104,315. Kaufman County 2000-2010 population growth is projected to be a very high 46.3%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Kaufman County was 91 people/square mile and is projected to increase to 132 people per square mile by 2010. The 1999 VMT in Kaufman County was 965 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Nitrogen oxide emissions are projected to increase almost 100% to 22 tpd in 2010 from 12 tpd in 1999. Although Kaufman County has a relatively small population compared to the core DFW area counties, it is increasing very fast which significantly influences the county's population density. Western Kaufman County is an expanding urban community and the entire county's projected population density is 132 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 277,745 and a population density of 352 people/square mile by 2030. The increased emissions, the high projected growth, the proximity to the core metroplex and the urbanization of Western Kaufman County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Kaufman County does contribution to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Kaufman County nonattainment for 8-hour ozone.

Rockwall County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Rockwall County is monitoring attainment, although the 2001-2003 DV (81 ppb) is relatively close to the 8-hour ozone standard (85 ppb). Total NOx

emissions in Rockwall County were 4.2 tpd in 1999. Total NOx emissions in Rockwall County are projected to be 4.0 tpd in 2010 (TCEQ). Total VOC emissions in Rockwall County were 4.0 tpd in 1999. Total VOC emissions in Rockwall County are projected to be 4 tpd in 2010 (TCEQ). The population in Rockwall County in 2000 was 43,080. The 2010 population in Rockwall County is projected to be 67,687. Rockwall County 2000-2010 population growth is projected to be a very high 57.1%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Rockwall County was 337 people/square mile and is projected to significantly increase to 529 people per square mile by 2010. The 1999 VMT in Rockwall County was 377 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Nitrogen oxide and VOC emissions are not expected to increase significantly in the near future. Although Rockwall County has a relatively small population compared to other DFW area counties, it is, by far, the smallest county in the DFW metroplex (only 128 square miles) which significantly influences the county's population density. Rockwall County is quickly becoming an urban community with a projected population density of 529 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 145,000 and a population density of 1,133 people/square mile by 2030. The high projected growth, the proximity to the core metroplex and the urbanization of Rockwall County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Rockwall County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Rockwall County nonattainment for 8-hour ozone.

In summary, the EPA designates 9 counties in the DFW C/MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties. The EPA designates 3 counties in the DFW C/MSA as attainment for the 8-hour ozone standard: Henderson, Hood and Hunt Counties.

Comment 281:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX

Comment: A commenter expresses concern that if EPA fails to designate the entire Dallas-Fort Worth C/MSA as nonattainment, private firms in the counties designated nonattainment will have to bear an additional pollution reduction burden to compensate for pollution abatement strategies that do not encompass all contributing pollution sources. The contributions from outlying counties and expected population growth in these counties were also cited as reasons for their inclusion.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth C/MSA were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker

Counties. Five Counties that are also in the DFW C/MSA, Henderson, Hood, Hunt, Kaufman, and Rockwall counties, were not part of Texas' nonattainment recommendation.

Data on the influence of each of the additional five counties where the State and EPA's position differs from the State's position is very important to our making a decision whether these counties cause or contribute to ozone nonattainment in the DFW area. We requested additional pertinent information from the State of Texas by February 6, 2004, and the State shared this information with us on February 5-6, 2004. We evaluated all information and determined that three counties; Henderson, Hood and Hunt, do not contribute to ozone violations in the DFW C/MSA. Given EPA's determination that these three counties do not contribute, the EPA does not agree that the other nine counties in the DFW C/MSA will bear any undo burden to compensate for pollution abatement strategies necessary to achieve attainment of the 8-hour ozone National Ambient Air Quality Standard. For additional information on the analysis of information regarding DFW C/MSA Counties, please see the Response to Comment ID#280.

Comment 1108:

Region: 6

State: TX

Area: Dallas-Fort Worth, TX;San Antonio, TX

Comment: A commenter provides additional information in support of the State of Texas July 15, 2003, 8-hour ozone designation recommendation. Texas CEQ analyzed EPA's eleven exclusion criteria as they apply to the counties for which the EPA's tentative recommendation differed from the State of Texas. The following counties were analyzed: Henderson, Hood, Hunt, Kaufman, and Rockwall for the Dallas Fort Worth area and Comal, Guadalupe, and Wilson for the San Antonio area. Ellis County was also included in the analysis. Extensive documentation was enclosed including: a summary by TCEQ of the eleven criteria analysis for each county identified above; maps and locations of affected sources, a table summarizing EPA's exclusion criteria for the DFW and San Antonio MSAs, wind histograms by the affected counties; and traffic and commuting patterns for the SAN area.

EPA Response: On July 15, 2003, EPA received Texas' recommendation from Governor Rick Perry. In the Governor's recommendation, seven counties in the Dallas/Fort Worth (DFW) consolidated MSA (C/MSA) were recommended for nonattainment; Dallas, Tarrant, Denton, Collin, Ellis, Johnson and Parker Counties. Five Counties that are also in the DFW C/MSA, Henderson, Hood, Hunt, Kaufman, and Rockwall counties, were not part of Texas' nonattainment recommendation.

On December 3, 2003, we responded to the Governor recommending the 12-county MSA as the boundary. However, at the time our response letters were prepared, we had not received supporting data on the influence of each of the counties from the State of Texas. In this letter, we requested that the State of Texas submit additional pertinent information supporting their position for the five additional counties that EPA indicated should be included as part of the nonattainment area. We requested additional pertinent information from the State of Texas by February 6, 2004.

The State of Texas submitted additional information on February 5, 2004 and February 6, 2004.

The EPA has evaluated all pertinent information, including the data submitted by this commenter in this package, to determine whether each of the twelve counties in the C/MSA is contributing or will contribute to ozone violations in the Dallas-Fort Worth MSA. For the five counties where EPA and the State differed on decisions, information is provided below:

Henderson County is in the far southeast corner of the C/MSA metroplex. There is no ozone monitor in Henderson County. Total NO_x emissions in Henderson County were 16.8 tpd in 1999. Total NO_x emissions in Henderson County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Henderson County were 16.1 tpd in 1999. Total VOC emissions in Henderson County are projected to be 12 tpd in 2010 (TCEQ). The population in Henderson County in 2000 was 73,277. The 2010 population in Henderson County is projected to be 95,308. Henderson County 2000-2010 population growth is projected to be 30.1%. The 1999 population density in Henderson County was low (83 people/square mile) and is only projected to increase to 107 people per square mile by 2010. The 1999 VMT in Henderson County was 851 million miles. Seventy-eight percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Henderson County has low emissions, low population and low population density. Future growth, although at 30%, does not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Henderson County does not cause or contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Henderson County attainment/unclassifiable for 8-hour ozone.

Hood County is in the far southwest corner of the C/MSA metroplex. The ozone monitor in Hood County is monitoring attainment, although the 2001-2003 DV (84 ppb) is very close to the 8-hour ozone standard (85 ppb). Total NO_x emissions in Hood County were 26.4 tpd in 1999. Total NO_x emissions in Hood County are projected to be 20 tpd in 2010 (TCEQ). Total VOC emissions in Hood County were 6.0 tpd in 1999. Total VOC emissions in Hood County are projected to be 4 tpd in 2010 (TCEQ). The population in Hood County in 2000 was 41,100. The 2010 population in Hood County is projected to be 57,063. Hood County 2000-2010 population growth is projected to be 38.8%. The 1999 population density in Hood County was low (97 people/square mile) and is only projected to increase to 134 people per square mile by 2010. The 1999 VMT in Hood County was only 375 million miles. Ninety percent of this County's workers drive to work in the DFW C/MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

Hood County is expected to have a significant decrease in CAA emissions by 2010. Hood County has a relatively low population and low population density. Future growth, although at 38% do not appear to present a significant future burden on the metroplex in the foreseeable future. Based on an overall evaluation of this data, the U.S. EPA finds that Hood County does not

contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hood County attainment for 8-hour ozone.

Hunt County is in the far northeast corner of the C/MSA metroplex. The ozone monitor in Hunt County is monitoring attainment for the 8-hour ozone standard. Total NOx emissions in Hunt County were 11.7 tpd in 1999. Total NOx emissions in Hunt County are projected to be 7 tpd in 2010 (TCEQ). Total VOC emissions in Hunt County were 14.4 tpd in 1999. Total VOC emissions in Hunt County are projected to be 13 tpd in 2010 (TCEQ). The population in Hunt County in 2000 was 76,596. The 2010 population in Hunt County is projected to be 101,425. The 2000-2010 population growth is projected to be 32.4% in Hunt County. The 1999 Hunt County population density was low (91 people/square mile) and is only projected to increase to 120 people per square mile by 2010. The 1999 VMT in Hunt County was 954 million miles. Ninety-five percent of Hunt County workers drive to work in the DFW C/MSA. Hunt county is downwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry away from the DFW area more frequently.

Hunt County has low emissions, low population and low population density. Future growth, although at 32%, does not appear to present a significant future burden on the metroplex in the foreseeable future, given the low population density now. Based on an overall evaluation of this data, the U.S. EPA finds that Hunt County does not cause or contribution to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Hunt County attainment/unclassifiable for 8-hour ozone.

Kaufman County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Kaufman County is monitoring attainment (73 ppb). Total NOx emissions in Kaufman County were 12 tpd in 1999. Total NOx emissions in Kaufman County are projected to be 22 tpd in 2010 (TCEQ). Total VOC emissions in Kaufman County were 7.1 tpd in 1999. Total VOC emissions in Kaufman County are projected to increase to 17/12 tpd in 2010 (TCEQ). The population in Kaufman County in 2000 was 71,313. The 2010 population in Kaufman County is projected to be 104,315. Kaufman County 2000-2010 population growth is projected to be a very high 46.3%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Kaufman County was 91 people/square mile and is projected to increase to 132 people per square mile by 2010. The 1999 VMT in Kaufman County was 965 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

NOx emissions are projected to increase almost 100% to 22 tpd in 2010 from 12 tpd in 1999. Although Kaufman County has a relatively small population compared to the core DFW area counties, it is increasing very fast which significantly influences the county's population density. Western Kaufman County is an expanding urban community and the entire county's projected population density is 132 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 277,745 and a

population density of 352 people/square mile by 2030. The increased emissions, the high projected growth, the proximity to the core metroplex and the urbanization of Western Kaufman County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Kaufman County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Kaufman County nonattainment for 8-hour ozone.

Rockwall County is located just to the east-southeast of Dallas and Denton Counties in the DFW metroplex. The ozone monitor in Rockwall County is monitoring attainment, although the 2001-2003 DV (81 ppb) is relatively close to the 8-hour ozone standard (85 ppb). Total NO_x emissions in Rockwall County were 4.2 tpd in 1999. Total NO_x emissions in Rockwall County are projected to be 4.0 tpd in 2010 (TCEQ). Total VOC emissions in Rockwall County were 4.0 tpd in 1999. Total VOC emissions in Rockwall County are projected to be 4 tpd in 2010 (TCEQ). The population in Rockwall County in 2000 was 43,080. The 2010 population in Rockwall County is projected to be 67,687. Rockwall County 2000-2010 population growth is projected to be a very high 57.1%, among the highest of any county in a nonattainment area in the nation. The 1999 population density in Rockwall County was 337 people/square mile and is projected to significantly increase to 529 people per square mile by 2010. The 1999 VMT in Rockwall County was 377 million miles. Ninety-eight percent of this County's workers drive to work in the DFW C/MSA. This county is directly upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the DFW area more frequently.

NO_x and VOC emissions are not expected to increase significantly in the near future. Although Rockwall County has a relatively small population compared to other DFW area counties, it is, by far, the smallest county in the DFW metroplex (only 128 square miles) which significantly influences the county's population density. Rockwall County is quickly becoming an urban community with a projected population density of 529 people per square mile by 2010. The North Texas Council of Governments projects continued development with the population reaching 145,000 and a population density of 1,133 people/square mile by 2030. The high projected growth, the proximity to the core metroplex and the urbanization of Rockwall County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Rockwall County does contribute to the 8-hour ozone violation in the DFW C/MSA. Therefore, the U.S. EPA designates Rockwall County nonattainment for 8-hour ozone.

In summary for the DFW area, the EPA designates 9 counties in the DFW C/MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties. The EPA designates 3 counties in the DFW C/MSA as attainment for the 8-hour ozone standard: Henderson, Hood and Hunt Counties. The EPA agrees with the State of Texas on the designation of Collin, Dallas, Denton, Ellis, Henderson, Hood, Hunt, Johnson, Parker, and Tarrant Counties. The EPA disagrees with the State of Texas on the designation of Kaufman County and Rockwall County.

Comal County is located north-northeast of Bexar County in the San Antonio MSA. The city of San Antonio, the core metropolitan area in this MSA is located in Bexar County. There is no ozone monitor in Comal County. Total NO_x emissions in Comal County were 21.6 tpd in

1999. Total NOx emissions in Comal County are projected to be 21 tpd in 2007 (TCEQ). Total VOC emissions in Comal County were 11.4 tpd in 1999. Total VOC emissions in Comal County are projected to increase to 12 tpd in 2007 (TCEQ). The population in Comal County in 2000 was 78,021. Comal County 1990-2000 population growth was a very high 50.5%. Comal County 2000-2010 population growth is projected to be an even higher 52.3%, among the highest of any county in a nonattainment area in the nation. The 2010 population in Comal County is projected to be 118,797 and the 2030 population is projected to be 237,651. The 2000 population density in Comal County was 128.5 people/square mile and is projected to increase to 214 people per square mile by 2010 and 428.2 people per square mile by 2030. Comal County's 2000 population accounts for 4.9% of the San Antonio MSA population and that is projected to increase to 5.2% by 2007 and to 9.7% by 2030. The 1999 VMT in Comal County was 773 million miles. Ninety percent of this County's workers drive to work in the San Antonio MSA.

The percent contribution of Comal County's NOx emissions to the total MSA CAA emissions are projected to increase from 8.5% in 1999 to 10.4% in 2007. Interstate 35 runs directly through Comal County between two high-growth metropolitan areas, San Antonio and Austin. The increased emissions, the high projected growth, the proximity to the core metropolitan areas and the urbanization of Southern Comal County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Comal County does contribute to the 8-hour ozone violation in the San Antonio MSA. Therefore, the U.S. EPA designates Comal County nonattainment for 8-hour ozone.

Guadalupe County is located east-southeast of Bexar County. The city of San Antonio, the core metropolitan area in this MSA is located in Bexar County. The ozone monitor in Guadalupe County does not have sufficient data to calculate a 2001-2003 DV and this monitor does not meet the federal reference method.

Total NOx emissions in Guadalupe County were 15.6 tpd in 1999. Total NOx emissions in Guadalupe County are projected to be 15 tpd in 2007 (TCEQ). Total VOC emissions in Guadalupe County were 23.9 tpd in 1999. Total VOC emissions in Guadalupe County are projected to be 18 tpd in 2007 (TCEQ). The population in Guadalupe County in 2000 was 89,023. Guadalupe County 1990-2000 population growth was high at 37.2%. Guadalupe County 2000-2010 population growth is projected to be slightly higher at 37.9%. The 2010 population in Guadalupe County is projected to be about 122,728 and the 2030 population is projected to be 214,324. The 2000 population density in Guadalupe County was 124.9 people/square mile and is projected to increase to 172.1 people per square mile by 2010 and 300.6 people per square mile by 2030. Guadalupe County's 2000 population accounts for 5.8% of the San Antonio MSA population and that is projected to increase to 5.2% by 2007 and to 9.7% by 2030. The 1999 VMT in Guadalupe County was 1.095 billion miles. Eighty-eight percent of this County's workers drive to work in the San Antonio MSA. This county is upwind of the core metroplex during the ozone season and, therefore, emissions in this county tend to carry into the San Antonio area more frequently.

While actual NOx emissions are predicted to drop slightly between 1999 and 2007, the

percent contribution of Guadalupe County's CAA emissions to the total MSA CAA emissions are projected to increase from 6.4% in 1999 to 7.4% in 2007. While actual VOC emissions are predicted to drop slightly between 1999 and 2007, the percent contribution of Guadalupe County's CAA emissions to the total MSA CAA emissions are projected to increase from 9.2% in 1999 to 9.8% in 2007. The meteorological information, the increased percent contribution in NOx and VOC emissions, the high projected growth, the proximity to the core metropolitan areas and the urbanization of western Guadalupe County are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Guadalupe County does contribute to the 8-hour ozone violation in the San Antonio MSA. Therefore, the U.S. EPA designates Guadalupe County nonattainment for 8-hour ozone.

In summary for the San Antonio area, the EPA designates 3 counties in the San Antonio MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Bexar, Comal and Guadalupe Counties. The EPA designates one county in the San Antonio MSA as attainment for the 8-hour ozone standard: Wilson County. The EPA agrees with the State on the designation of Bexar County and Wilson County. The EPA disagrees with the State of Texas on the designation of Comal County and Guadalupe County.

Comment 62:

Region: 6

State: TX

Area: Houston-Galveston-Brazoria, TX; Dallas-Fort Worth, TX; Beaumont-Port Arthur, TX; San Antonio, TX; Longview-Marshall, TX; Austin-San Marcos, TX

Comment: A commenter proposes that the Texas nonattainment area boundaries should include all counties in the MSAs with violations. Texas provided no justification for leaving counties out of the recommended designations. These recommendations put an undue burden on the counties that were designated as nonattainment and ignore the regional nature of ozone.

EPA Response: We agree with the commenter that the State of Texas provided no justification for leaving counties out of the presumptive nonattainment area. On the July 15, 2003, the State of Texas recommended all counties in the following MSAs (MSA) with monitors violating the 8-hour ozone standard: Houston-Galveston-Brazoria and Beaumont-Port Arthur. The State of Texas did not recommend all counties in the following MSAs with monitors violating the 8-hour ozone standard: Dallas-Fort Worth and San Antonio. The State of Texas did not submit justification for less than the presumptive nonattainment boundary with their July 15, 2003 8-hour ozone designation recommendations.

However, the State of Texas subsequently submitted additional information as justification for their July 15, 2003 designation recommendations on October 16, 2003, February 5, 2004 and February 6, 2004. After completing a thorough analysis of all available information, including the data submitted by the Texas Commission on Environmental Quality, the EPA determined that some counties in the DFW area and the San Antonio area should be designated attainment.

For the final boundary area for the Dallas-Fort Worth MSA and the San Antonio MSA, please see the federal register decision. Additional discussion on the data used to determine designation decisions for counties in Dallas-Fort Worth MSA and the San Antonio MSA can be reviewed in comment ID#1107.

Comment 1033:

Region: 6

State: TX

Area: San Antonio, TX

Comment: A commenter offered the following comments regarding designations in the San Antonio MSA:

1) We support EPA's proposal to defer the effective date of air quality designations for those areas of the country (particularly the San Antonio, Texas Area) that do not meet the 8-hour ozone NAAQS and have entered into an EAC.

2) Comal County, as well as Wilson and Guadalupe Counties, have entered into an EAC with Bexar County. TXI Hunter Cement supports the continued involvement by Comal County in the EAC and the achievement by the San Antonio EAC Area of the EAC milestones set forth in Table 1 of the Proposed Rule.

3) We believe that participation in the EAC is a discrete issue that is separate from the issue of whether Comal County should be designated as a nonattainment county and included within the San Antonio nonattainment area in accordance with Section 107 of the CAA.

4) By letter dated December 3, 2003, EPA Region 6 proposed the inclusion of Comal County in the San Antonio nonattainment area due to the presumption contained in EPA's March 2000 boundary guidance. At the same time, EPA Region 6 allowed the state until February 6, 2004 to provide additional data to EPA to support an attainment designation for Comal and other counties. TXI Hunter Cement believes that the state's submittal of additional data by the February 6, 2004 deadline will support Comal County's designation as attainment. If and when Comal County is designated attainment pursuant to the required CAA process, Comal County's participation in the EAC should not alter its attainment status. In order to encourage early ozone reductions, however, the benefits associated with entering into the EAC proposed by EPA in the Proposed Rule should still be extended to any portion of the San Antonio Area that is still designated nonattainment as of April 15, 2004.

EPA Response: The San Antonio MSA (MSA) consists of 4 counties. They are Bexar, Comal, Guadalupe and Wilson. The San Antonio MSA is participating in the 8-hour Ozone EAC program. All four counties, including Comal County are signatories to the San Antonio 8-hour Ozone EAC.

EPA believes that it is critical that the Agency apply its boundary guidance in a consistent

manner across the country in order to avoid inequities. It was decided that EPA should apply the 8-hour ozone designation boundary guidance (March 2000) to all nonattainment counties, including those counties in nonattainment areas that are participating in the 8-hour Ozone EAC program. Therefore, based upon the boundary guidance, EPA decided to include three of the four counties (Bexar, Comal and Guadalupe Counties) and to exclude Wilson County from the San Antonio designated nonattainment area.

Comal County is located north-northeast of Bexar County. The city of San Antonio, the core metropolitan area in this MSA is located in Bexar County. There is no ozone monitor in Comal County that meets 40 CFR Part 58 monitoring requirements. Total NO_x emissions in Comal County were 21.6 tpd in 1999. Total NO_x emissions in Comal County are projected to be 21 tpd in 2007 (TCEQ). Total VOC emissions in Comal County were 11.4 tpd in 1999. Total VOC emissions in Comal County are projected to increase to 12 tpd in 2007 (TCEQ). The population in Comal County in 2000 was 78,021. Comal County 1990-2000 population growth was a very high 50.5%. Comal County 2000-2010 population growth is projected to be an even higher 52.3%, among the highest of any county located in an MSA or C/MSA in the nation. The 2010 population in Comal County is projected to be 118,797 and the 2030 population is projected to be 237,651. The 2000 population density in Comal County was 128.5 people/square mile and is projected to increase to 214 people per square mile by 2010 and 428.2 people per square mile by 2030. Comal County's 2000 population accounts for 4.9% of the San Antonio MSA population and that is projected to increase to 5.2% by 2007 and to 9.7% by 2030. The 1999 VMT in Comal County was 773 million miles. Ninety percent of this County's workers drive to work within the San Antonio MSA.

The percent contribution of Comal County's nitrogen oxide emissions to the total MSA nitrogen oxide emissions are projected to increase from 8.5% in 1999 to 10.4% in 2007. Interstate 35 runs directly through Comal County which lies between two high-growth metropolitan areas, San Antonio and Austin. The increased emissions, the high projected growth and the proximity to the core metropolitan areas are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Comal County does contribute to the 8-hour ozone violation in the San Antonio MSA. Therefore, the U.S. EPA is designating Comal County as part of the San Antonio nonattainment area. EPA is deferring the effective date of the nonattainment designation for this area for so long as the area continues to meet all milestone requirements of the 8-hour Ozone EAC.

Comment 1034:

Region: 6

State: TX

Area: San Antonio, TX

Comment: A commenter offered the following comments on designation issues in the San Antonio MSA:

1) Although the commenter supports Comal County's continued involvement in the San Antonio EAC, the commenter contends that participation in the EAC is a discrete issue that is separate

from the issue of whether Comal County should be designated as a nonattainment county and included within the San Antonio nonattainment area in accordance with Section 107 of the CAA.

2)The commenter believes that the state's submittal of additional data by the February 6, 2004 deadline, together with information already provided by the state, will support Comal County's designation as attainment and is optimistic that EPA Region VI will support this designation in its final April 15, 2004 decision.

3)The commenter presented information to support an attainment designation for Comal County: (i) ozone data from two Comal County monitors that indicate attainment of the 8-hour ozone standard, (ii) the location of Comal County in a predominantly downwind direction from San Antonio during the ozone season, (iii) population and "VMT" data showing Comal County to be a small percentage of the total population and VMT for the San Antonio CMSA, and (iv) the inclusion of Comal County's major NO_x point sources in the State's SIP submittal for the DFW nonattainment area, thus subjecting them to enforceable NO_x emission reduction requirements.

4)The commenter believes that Comal County should be designated attainment pursuant to the required CAA process. The commenter noted that Comal County's participation in the EAC should not prejudice its attainment status. To do otherwise would greatly discourage voluntary and early action reduction efforts, contrary to President Bush's stated goals. In order to encourage early ozone reductions, the commenter stated that benefits associated with entering into the EAC proposed by EPA in the proposed rule should be extended to the portion of the San Antonio Area that is designated nonattainment on or about April 15,2004.

EPA Response: Please refer to U.S. EPA's response to comment ID 1033 in the docket for the 8-hour Ozone Designation federal register notice.

Comment 282:

Region: 6

State: TX

Area: San Antonio, TX

Comment: A commenter makes the following comments regarding the San Antonio MSA:

1) The EAC protocol was carefully crafted to include key fail-safe provisions in the event that a milestone was not met. TCEQ's proposal to designate only Bexar County is a breach of good faith and jeopardizes the accountability built into the EAC framework.

2) Designating any EAC counties as attainment removes the principal incentive for those counties to contribute their fair share to the region's clean air plan, namely the risk of a nonattainment designation.

3) EPA must designate all four San Antonio area counties participating in the EAC as nonattainment.

EPA Response: The San Antonio MSA (MSA) is participating in the 8-hour Ozone EAC program. All four counties in the San Antonio MSA are participating in the program; Bexar, Comal, Guadalupe and Wilson.

EPA's Office of Air Quality Planning and Standards, in consultation with the Office of General Council, has determined that all nonattainment areas should be treated the same to maintain consistency in boundary determinations throughout the country. It was decided that EPA should apply the 8-hour ozone designation boundary guidance (March 2000) to all nonattainment counties, including those counties in nonattainment areas that are participating in the 8-hour Ozone EAC program. Therefore, EPA did apply the 8-hour ozone designation boundary guidance (March 2000) to all counties in the San Antonio MSA. The EPA designates 3 counties in the San Antonio MSA as nonattainment for the 8-hour ozone National Ambient Air Quality Standard: Bexar, Comal and Guadalupe Counties. The EPA designates one county in the San Antonio MSA as attainment for the 8-hour ozone standard: Wilson County. The EPA agrees with the State on the designation of Bexar County and Wilson County. The EPA disagrees with the State of Texas on the designation of Comal County and Guadalupe County. For more detailed explanation see the response to comment 1108.

Comment 69:

Region: 6

State: TX

Area: San Antonio, TX

Comment: A commenter submits the following:

- 1) The purpose of the commenter's letter is to present additional information in support of a designation of attainment of the 8-hour ozone NAAQS for Comal County, Texas. Commenter's letter is responding to EPA's December 3, 2003 letter to Texas Governor Rick Perry, in which EPA Region 6 recommended that Comal County be designated as nonattainment for the 8-hour ozone NAAQS. EPA letter requested the submission of any additional information that EPA should consider in making the 8-hour ozone standard designations for Comal County.
- 2) The commenter provided the following attachments for EPA review and consideration to further support an attainment designation for Comal County: (i) a report by the Alamo Area Council of Governments ("AACOG") on the photochemical modeling that it conducted for the San Antonio EAC using EPA- and TCEQ- approved photochemical modeling procedures and considering regional population growth, traffic growth, and emissions growth for area, point, and mobile sources, and (ii) a report of Art Bedrosian, who is an eminently qualified third party meteorologist and air quality specialist (as indicated by his curriculum vitae (enclosed in Enclosure 2)), that describes his analysis of ozone concentrations and wind data in Comal County and Bexar County to determine whether NO_x and/or VOC emissions from mobile and point sources in Comal County cause or contribute to any violation of the 8-hour ozone standard in Bexar County. A copy of the AACOG modeling report is enclosed in Enclosure 1, and copies of

Mr. Bedrosian's report and his curriculum vitae are enclosed in Enclosure 2.

The commenter also provided the following information to support an attainment designation for Comal County:

3) The purpose of this letter is to submit information in response to that request on behalf of concerned Comal County industries, in addition to the information from TCEQ in support of its recommended designation of Comal County as attainment for the 8-hour ozone standard. The commenter strongly supports TCEQ's recommended attainment designation for Comal County. The commenter noted that, because of the short time frame between receipt of the December 3, 2003 letter and the February 6, 2004 deadline, TCEQ did not have enough time to evaluate such information and incorporate it into the information before the State's February 6 submission. At the February 2, 2004 TCEQ Work Session, the TCEQ Commissioners suggested that the commenter submit this information to EPA.

4) Commenter believes the first question in determining whether Comal County should be designated as attainment or nonattainment for the 8-hour ozone standard is the statutory test indicates the designation should be, namely, whether any violation of the 8-hour ozone standard has been monitored in Comal County, and if not, if mobile and point sources of ozone precursors (i.e., NO_x and/or VOCs) in Comal County cause or contribute to any violation of the 8-hour ozone standard in Bexar County.

5) Commenter states that no violation of the 8-hour ozone standard has been monitored in Comal County, and, therefore, believes that Comal County must be designated as attainment for the 8-hour ozone standard unless the emissions of NO_x and/or VOCs in Comal County cause or contribute to a violation of the 8-hour ozone standard in Bexar County.

6) Commenter believes the information that the TCEQ will submit by February 6 and that it submitted on October 16, 2003 clearly demonstrates that NO_x and VOC emissions in Comal County do not cause or contribute and will not cause or contribute to any violation of the 8-hour ozone standard in Bexar County (which information we will discuss further below). The commenter enclosed for EPA review and consideration the following documents that provide further support for that conclusion: (i) a report by the Alamo Area Council of Governments ("AACOG") on the photochemical modeling that it conducted for the San Antonio EAC using EPA- and TCEQ-approved photochemical modeling procedures and considering regional population growth, traffic growth, and emissions growth for area, point, and mobile sources, and (ii) a report of Art Bedrosian, who is an eminently qualified third party meteorologist and air quality specialist (as indicated by his curriculum vitae (enclosed in Enclosure 2)), that describes his analysis of ozone concentrations and wind data in Comal County and Bexar County to determine whether NO_x and/or VOC emissions from mobile and point sources in Comal County cause or contribute to any violation of the 8-hour ozone standard in Bexar County. A copy of the AACOG modeling report was included in the commenter's submission.

7) Commenter believes that the AACOG modeling predicts that mobile and point source NO_x

and VOC emissions in Comal County contribute only 0.1 ppb to the ozone concentration in Bexar County. The commenter notes that, even if all of the NO_x and VOC emissions in Comal County were completely eliminated, the ozone concentration in Bexar County is predicted to decrease by only 0.1 ppb. According to the commenter, this predicted impact of Comal County on Bexar County of 0.1 ppb is only 5% of the 2 ppb level of impact that EPA used during its Ozone Transport Assessment Group's ("OTAG") study that was the basis for the NO_x SIP call, as well in its development of its recently proposed IAQR. In addition, 0.1 ppb is only 0.11% of the 8-hour ozone standard. The commenter believes the AACOG modeling demonstrates that Comal County is not causing or contributing to any violation of the 8-hour ozone standard in Bexar County. Mr. Bedrosian's report further supports that conclusion, according to the commenter.

8) In summary, therefore, the commenter believes that the AACOG modeling results and Mr. Bedrosian's report demonstrate that Comal County does not cause or contribute to any violation of the 8-hour ozone standard in Bexar County; and therefore, under the statutory test, Comal County should be designated as attainment for the 8-hour ozone standard.

9) The commenter further notes that evaluation of the 11 technical factors in the March 28, 2000 EPA guidance also leads to the conclusion that Comal County should be designated as attainment. The commenter agrees with and supports the draft of the TCEQ analysis that the TCEQ Commissioners considered at their February 2 Work Session, and the commenter agrees with the TCEQ's recommended designation of Comal County as attainment for the 8-hour ozone standard based on that analysis. However, commenter believes that in order for the TCEQ's draft analysis to be accurate and complete, a few revisions to it are necessary. The commenter prepared and enclosed (as Enclosure 3) a "red-lined" version of the TCEQ's draft analysis that shows the additions and corrections we believe are proper to make to that analysis.

EPA Response: The San Antonio MSA consists of 4 counties. They are Bexar, Comal, Guadalupe and Wilson. The San Antonio MSA is participating in the 8-hour Ozone EAC program. All four counties, including Comal County are signatories to the San Antonio 8-hour Ozone EAC. Comal County is located north-northeast of Bexar County. The City of San Antonio, the core metropolitan area in this MSA is located in Bexar County. There is no ozone monitor in Comal County. Total NO_x emissions in Comal County were 21.6 tpd in 1999. Total NO_x emissions in Comal County are projected to be 21 tpd in 2007 (TCEQ). Total VOC emissions in Comal County were 11.4 tpd in 1999. Total VOC emissions in Comal County are projected to increase to 12 tpd in 2007 (TCEQ). The population in Comal County in 2000 was 78,021. Comal County 1990-2000 population growth was a very high 50.5%. Comal County 2000-2010 population growth is projected to be an even higher 52.3%, among the highest of any county in a nonattainment area in the nation. The 2010 population in Comal County is projected to be 118,797 and the 2030 population is projected to be 237,651. The 2000 population density in Comal County was 128.5 people/square mile and is projected to increase to 214 people per square mile by 2010 and 428.2 people per square mile by 2030. Comal County's 2000 population accounts for 4.9% of the San Antonio MSA population and that is projected to increase to 5.2% by 2007 and to 9.7% by 2030. The 1999 VMT in Comal County was 773 million miles. Ninety percent of this County's workers drive to work in the San Antonio MSA.

The AACOG did conduct photochemical modeling for the San Antonio EAC using EPA- and TCEQ- approved photochemical modeling procedures. While the AACOG modeling predicts that mobile and point source NO_x and VOC emissions in Comal County contribute only 0.1 ppb to the ozone concentration in Bexar County, it should be noted that the presentation is marked DRAFT and is based on DRAFT modeling. The report does not represent the exact modeling package received from the AACOG. AACOG representatives caveated the information as DRAFT and that it should not be cited. Further, the winds in the episode that was modeled do not carry the emissions from Comal county over the CAMS 23 monitor. This episode does not reflect the potential impacts that Comal County could have when the winds are from the north or northeast (when the winds would carry Comal county's emissions over the San Antonio metropolitan core. To analyze the impacts from Comal county, an episode with winds that would carry pollutants towards San Antonio's metropolitan core would need to be done. To fully analyze the potential impacts of an area on another area, one monitor or one grid cell should not be relied upon to properly describe the full potential impact of an Comal County on the San Antonio MSA. The change in ozone at all grid cells and all hours of the episode should be evaluated to better describe potential impacts and the analysis should be based upon both base case modeling and future year modeling, not just future year modeling.

Finally, stating that even if all of the NO_x and VOC emissions in Comal County were completely eliminated, the ozone concentration in Bexar County is predicted to decrease by only 0.1 ppb is an inaccurate because 1) it can only be inferred upon the modeled episode and 2) the report this statement was drawn from was draft.

The 2 ppb level of impact that EPA used during its Ozone Transport Assessment Group's ("OTAG") study that was the basis for the NO_x SIP call, and the recently proposed IAQR should is not an appropriate benchmark to establish for contributions from an adjacent county.

The percent contribution of Comal County's CAA emissions to the total MSA CAA emissions are projected to increase from 8.5% in 1999 to 10.4% in 2007. Interstate 35 runs directly through Comal County which lies between two high-growth metropolitan areas, San Antonio and Austin. The increased emissions, the high projected growth and the proximity to the core metropolitan areas are notable. Based on an overall evaluation of this data, the U.S. EPA finds that Comal County does contribution to the 8-hour ozone violation in the San Antonio MSA. Therefore, the U.S. EPA designates Comal County nonattainment for 8-hour ozone with a deferred effective date for so long as the area continues to meet all milestone requirements of the 8-hour Ozone EAC.

3.7 Responses to Comments
EPA Region 7 (Iowa, Kansas, Missouri, and Nebraska)

Comment 259:**Region: 7****State: KS****Area: Kansas City, KS-MO**

Comment: A commenter notes that Missouri's request to flag April 12 and 13, 2003 ozone data was approved. This brought the monitors into attainment. Therefore, Wyandotte and Johnson Counties should be designated attainment.

EPA Response: The EPA is designating the Kansas City, MO-KS counties of Cass, Clay, Jackson and Platte in Missouri and Johnson, Linn, Miami and Wyandotte counties in Kansas as unclassifiable.

On July 8, 2003, Missouri had requested that EPA flag ozone air quality data collected at the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas city for the days of April 12 and 13, 2003, and not include it in the designations process. EPA had responded with a letter December 12, 2003 which explained that the Kansas City area is eligible for an attainment designation if requested by the states. On January 22, 2004, the state of Kansas amended its recommendation and requested attainment for the area. On February 5, 2004, the state of Missouri revised its recommendation and requested attainment. EPA designated Kansas City as unclassifiable based on monitoring data from 2001-2003. EPA excluded a monitored value for April 12, 2003 in calculating the DV for the area.

EPA will work with both states to continue to evaluate the attainment status based on the 2004 monitoring data, as well as determine that appropriate boundaries should the area monitor violations and be designated nonattainment. The decision to designate the area as unclassifiable will allow EPA to evaluate the additional data from 2004 to determine whether and how the designation should be revised. EPA will determine whether to revise the area's designation after reviewing the 2004 data.

Comment 1027:**Region: 7****State: KS****Area: Kansas City, KS-MO**

Comment: A commenter asserts that Sedgwick, Linn, Sumner, and Trego County monitors measured attainment of the 8-hour standards, and no other counties conducted federal reference method monitoring for sufficient duration to measure nonattainment. Therefore, Kansas's counties should be designated attainment/unclassifiable.

EPA Response: EPA is designating the Kansas City, MO-KS counties of Cass, Clay, Jackson and Platte in Missouri and Johnson, Linn, Miami and Wyandotte counties in Kansas as unclassifiable.

On July 8, 2003, Missouri had requested that EPA flag ozone air quality data collected at

the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas city for the days of April 12 and 13, 2003, and not include it in the designations process. EPA had responded with a letter December 12, 2003 which explained that the Kansas City area is eligible for an attainment designation if requested by the states. On January 22, 2004, the state of Kansas amended its recommendation and requested attainment for the area. On February 5, 2004, the state of Missouri revised its recommendation and requested attainment. EPA designated Kansas City as unclassifiable based on monitoring data from 2001-2003. EPA excluded a monitored value for April 12, 2003 in calculating the DV for the area.

EPA will work with both states to continue to evaluate the attainment status based on the 2004 monitoring data, as well as determine the appropriate boundaries should the area monitor violations and be designated nonattainment. The decision to designate the area as unclassifiable will allow EPA to evaluate the additional data from 2004 to determine whether and how the designation should be revised. EPA will determine whether to revise the area's designation after reviewing the 2004 data.

Other counties in Kansas will be attainment.

Comment 259:

Region: 7

State: KS

Area: Kansas City, KS-MO

Comment: A commenter notes that Missouri's request to flag April 12 and 13, 2003 ozone data was approved. This brought the monitors into attainment. Therefore, Wyandotte and Johnson Counties should be designated attainment.

EPA Response: EPA is designating the Kansas City, MO-KS counties of Cass, Clay, Jackson and Platte in Missouri and Johnson, Linn, Miami and Wyandotte counties in Kansas as unclassifiable.

On July 8, 2003, Missouri had requested that EPA flag ozone air quality data collected at the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas city for the days of April 12 and 13, 2003, and not include it in the designations process. EPA had responded with a letter December 12, 2003 which explained that the Kansas City area is eligible for an attainment designation if requested by the states. On January 22, 2004, the state of Kansas amended its recommendation and requested attainment for the area. On February 5, 2004, the state of Missouri revised its recommendation and requested attainment. EPA designated Kansas City as unclassifiable based on monitoring data from 2001-2003. EPA excluded a monitored value for April 12, 2003 in calculating the DV for the area.

EPA will work with both states to continue to evaluate the attainment status based on the 2004 monitoring data, as well as determine that appropriate boundaries should the area monitor violations and be designated nonattainment. The decision to designate the area as unclassifiable will allow EPA to evaluate the additional data from 2004 to determine whether and how the

designation should be revised. EPA will determine whether to revise the area's designation after reviewing the 2004 data.

Comment 114:

Region: 7

State: MO, AL

Area: St. Louis, MO-IL;Birmingham, AL

Comment: A commenter asserts that EPA has not applied their own internal designation principles to Ste. Genevieve County in the same way they were applied in other parts of the country. For example, St. Clair County was recommended by the state to be excluded from the Birmingham nonattainment area. If EPA agrees with this, it should agree with excluding Ste. Genevieve County from the St. Louis nonattainment area.

EPA Response: The EPA has applied the Agency's designation principles to Ste. Genevieve County to determine that Ste. Genevieve County should be designated attainment. Each decision with respect to how areas should be designated must be made on a case-by case basis in light of the CAA and our Guidance.

Comment 287:

Region: 7

State: MO

Area:

Comment: A commenter asserts that EPA should continue to accept comments for a full 120 days to ensure a full opportunity for state and public comment.

EPA Response: The CAA does not provide a 120 period for public comment. The Act does require EPA to provide the states 120 notice prior to the final designation rulemaking if EPA intends to modify a states recommendation. Although not required, the process has provided ample opportunity for comment and we have received numerous comments to which we are responding.

Comment 286:

Region: 7

State: MO

Area: Kansas City, KS-MO

Comment: A commenter asserts that EPA should designate Kansas City as attainment, based on EPA's decision that the April 11 and 12 exceedances should be flagged and omitted in the 3-year average calculation.

EPA Response: The EPA is designating the Kansas City, MO-KS counties of Cass, Clay, Jackson and Platte in Missouri and Johnson, Linn, Miami and Wyandotte counties in Kansas as

unclassifiable.

On July 8, 2003, Missouri had requested that EPA flag ozone air quality data collected at the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas city for the days of April 12 and 13, 2003, and not include it in the designations process. EPA had responded with a letter December 12, 2003 which explained that the Kansas City area is eligible for an attainment designation if requested by the states. On January 22, 2004, the state of Kansas amended its recommendation and requested attainment for the area. On February 5, 2004, the state of Missouri revised its recommendation and requested attainment. EPA designated Kansas City as unclassifiable based on monitoring data from 2001-2003. EPA excluded a monitored value for April 12, 2003 in calculating the DV for the area.

EPA will work with both states to continue to evaluate the attainment status based on the 2004 monitoring data, as well as determine that appropriate boundaries should the area monitor violations and be designated nonattainment. The decision to designate the area as unclassifiable will allow EPA to evaluate the additional data from 2004 to determine whether and how the designation should be revised. EPA will determine whether to revise the area's designation after reviewing the 2004 data.

Comment 95:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter asserts that inclusion of Ste. Genevieve in the nonattainment area is inappropriate. It is unfair to punish the whole county and its residents on what is perceived to be a decision based on imposing restrictions on an upcoming cement plant. The current recommendation should be rejected. Many people commute to jobs outside the county, particularly St. Louis. Growth has occurred only in the northern portion of the county as residents move southward.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due

to the anticipated growth in NOx emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 285:

Region: 7

State: MO

Area:

Comment: A commenter asserts that EPA's modification of Missouri's recommendation appears to be based on outdated information related to growth of NOx emissions.

EPA Response: The commenter bases his assertion on information which he obtained independently from sources in Ste. Genevieve County. While we do not necessarily agree with the NOx emissions provided by the commenter, we do agree with the updated inventory provided by MDNR and have factored the updated information into our final action.

Comment 1029:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter disagrees with EPA's intention to designate St. Genevieve County as nonattainment. Commenter notes that Missouri DNR has concluded that St. Genevieve County does not significantly contribute to the ozone problem in St. Louis. A designation of nonattainment will make the economic situation in St. Genevieve County worse. In making its recommendation, EPA used inaccurate and outdated information regarding the Holcim cement manufacturing plant. This project is a much needed economic opportunity for the community.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NOx emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 1030:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: Numerous commenters assert that more than 20 letters were received from long-term residents of Ste. Genevieve County opposing EPA's designation of the county as nonattainment. They note that the designation will unfairly impact the economy of the area. The commenters point to the Missouri DNR's recommendation and note that the state has shown that St. Genevieve County does not significantly contribute to ozone problems in the St. Louis area.

Commenters disagree with EPA basing its decision on the possibility of a new source (i.e., the Holcim Cement Plant) in the county. They believe EPA used inaccurate and outdated information about the potential impact of the plant.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NOx emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 1035:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: Numerous commenters submitted more than 300 postcards representing the citizens of Ste. Genevieve County who are opposing its inclusion in the St. Louis nonattainment area. These postcards were sent to the Air Docket for ozone designations in Washington, D.C.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NOx emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have

not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 107:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter asserts that Ste. Genevieve County should not be included in the St. Louis eight-hour ozone nonattainment area. The EPA's estimated data on potential new NOx emission sources in Ste. Genevieve County is inaccurate. Information regarding the impending sources is outdated and considerably higher than current information provided by pending sources.

EPA Response: The commenter bases his assertion on information which he obtained independently from sources in Ste. Genevieve County. While we do not necessarily agree with the NOx emissions provided by the commenter, we do agree with the updated inventory provided by MDNR and have factored the updated information into our final action.

Comment 1074:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: Several commenters sent letters, which were received from residents of Ste. Genevieve County supporting EPA's designation of the county as nonattainment. They cite concerns over the impact of the Holcim Cement Plant on current air quality and the neighboring counties not attaining the ozone standard.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NOx emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality

problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 108:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter asserts that in using potential emissions, EPA did not perform a valid comparison for Ste. Genevieve County with sources in the nonattainment area. EPA should not compare "potential" emissions with actual emissions from a proposed nonattainment area, but instead should compare potential emissions of sources in Ste. Genevieve County with the potential emissions of all the existing sources throughout the nonattainment region. Ste. Genevieve County should not be included in the St. Louis nonattainment area.

EPA Response: We disagree with the commenter. EPA used potential emissions of new sources in Ste. Genevieve County because we were evaluating new source growth. For sources which have only begun operation or which have yet to construct or operate, it is appropriate to use potential emissions to characterize potential new source growth.

Comment 109:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter asserts that EPA did not consider the potential emissions growth in terms of tons per day during the ozone season. Instead of considering "annual emissions," EPA should instead consider "tons per day during the ozone season." In the case of St. Genevieve County, these statistics are particularly important because DNR is expected to set a distinct and more stringent NOx ozone season emission limit on the proposed Holcim plant. Ste. Genevieve County should not be included in the St. Louis nonattainment area.

EPA Response: EPA considered only annual emissions and did not consider tons per ozone season, which is common in evaluating ozone control strategies.

When evaluating potential impacts of new source growth with respect to designations, EPA consistently uses annual emissions. For areas which do not currently have ozone control

strategies in place, it would be inappropriate to assume that sources will voluntarily limit emissions during the ozone season unless required to do so by a control strategy. However, as stated previously, EPA has adjusted its annual emissions assumptions downward based on more recent information from the state, and has used this adjustment as part of the justification for the attainment designation for the county.

Comment 110:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter asserts that Ste. Genevieve County should not be included in the St. Louis nonattainment area. NO_x emissions related to Ste. Genevieve County are only a small percentage of the emissions (5.4%) related to the entire proposed nonattainment area, even when potential new sources are considered.

EPA Response: We agree with the comment that current NO_x emissions are only a small percentage of emissions from the nonattainment area recommended by Missouri. Based on further analysis described elsewhere, we note that the commenter, in his analysis, did not include the growth in NO_x emissions in Illinois nor other areas in or adjacent to the St. Louis area. EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NO_x emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment.

Comment 111:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter asserts that Ste. Genevieve County should not be included in the St. Louis nonattainment area. Volatile Organic Compound (VOC) emissions related to Ste. Genevieve County are only a small percentage (4.1%) of the emissions related to the entire proposed nonattainment area, even when new sources are considered.

EPA Response: EPA agrees with the comment and notes that its analysis was based on NO_x emission contributions.

Comment 112:

Region: 7

State: MO
Area: St. Louis, MO-IL

Comment: A commenter asserts that Ste. Genevieve County should not be included in the St. Louis nonattainment area. Permits for existing and pending new sources in Ste. Genevieve County contain federally enforceable requirements to limit NO_x emissions (i.e., BACT and Title V).

EPA Response: As provided above, based on additional information provided by Missouri and our further analysis, we no longer support designating the county as nonattainment.

Comment 113:
Region: 7
State: MO
Area: St. Louis, MO-IL

Comment: A commenter asserts that Ste. Genevieve County should not be included in the St. Louis nonattainment area. The ozone monitoring location at the western edge of Ste. Genevieve County has measured ozone levels below the National Ambient Air Quality Standards for ozone and is not in any case intended to measure the air quality of Ste. Genevieve County.

EPA Response: EPA agrees that the monitor has not violated the standard and has considered that fact in making its attainment determination. EPA, however, does not agree with the implication that the "intent" of siting a monitor at a particular location is relevant in determining whether a monitor is recording exceedances of the standard and in making attainment status determinations based on monitored values.

Comment 115:
Region: 7
State: MO
Area: St. Louis, MO-IL

Comment: A commenter asserts that Ste. Genevieve County should not be included in the St. Louis nonattainment area. EPA's analyses that support the proposed Interstate Air Quality Rule show that the St. Louis Region will come into attainment with the eight-hour ozone standard with rules and requirements that are already on the books today.

EPA Response: EPA is not considering the modeling done for the proposed IAQR in making the designations. EPA does not agree that findings under the proposed IAQR are relevant to determining whether an area is currently attaining or not attaining the standard, or whether the area contributes to downwind nonattainment. The finding is based in the most recent air quality data, not future projections of attainment.

Comment 116:

Region: 7
State: MO
Area: St. Louis, MO-IL

Comment: A commenter asserts that Ste. Genevieve County should not be included in the St. Louis nonattainment area. EPA's analysis inappropriately places undue weighting on the potential for growth in Ste. Genevieve County while not accounting for the same potential in other counties adjacent to the nonattainment area.

EPA Response: In our determination of where the boundaries should be in the St. Louis area, we looked at point source growth based on where existing sources are located and where proposed new sources (based on permit applications) intend to locate.

Comment 176:
Region: 7
State: MO
Area: St. Louis, MO-IL

Comment: Numerous commenters (more than 500) signed a petition or sent in letters disagreeing with the proposed designation of Ste. Genevieve County as nonattainment. They believe that they will be forced to drive up to 50 miles for vehicle inspections and that the control measures will be burdensome.

EPA Response: Attainment status designations are based on air quality information. It is the responsibility of the states in the SIP process to determine how to reduce emissions by developing specific control measures. Vehicle inspections are not mandatory in areas below certain population levels.

Comment 283:
Region: 7
State: MO
Area: St. Louis, MO-IL

Comment: A commenter asserts that EPA should not include Ste. Genevieve County in the designated nonattainment area for the St. Louis region because there is no tangible environmental advantage, based on analysis of control measures and potential future emissions sources.

EPA Response: EPA agrees with the comment. EPA's issue was whether sources which were permitted years ago and sources which are yet to be permitted, are or will be emitting at levels which could not reasonably be decreased to improved air quality. EPA notes that additional information was submitted by the state and we agree with the state's conclusion to designate the area as attainment.

Comment 284:

Region: 7
State: MO
Area: St. Louis, MO-IL

Comment: A commenter asserts that EPA's mid-process policy change, which weighed the factors on how proposed emission sources are considered, makes it difficult to craft a response to EPA's recommendations.

EPA Response: The comment states, "EPA developed and applied new national policy in evaluating recommendations and making modifications. In particular, we understand that EPA is now applying a new national policy on how proposed emissions sources are considered in weighing the "Eleven Criteria." EPA's mid-process policy change makes it difficult to craft a response to EPA's recommendations." The commenter is referring to a set of designation principles the Agency relied upon for national consistency in reviewing state boundary recommendations based upon the eleven criteria. These principles did not alter the 2000 designation guidance which relied upon the eleven criteria for establishing the boundaries of a nonattainment area.

Growth is one of the eleven criteria. The applicable designation principle was stated in our December 12, 2003 letter to Missouri. EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NO_x emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment.

Comment 29:
Region: 7
State: MO
Area: St. Louis, MO-IL

Comment: A commenter applauds the EPA for recommending Ste. Genevieve County, MO for nonattainment.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NOx emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 30:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter asserts that Ste. Genevieve County should be included within the nonattainment boundary.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NOx emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information

provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 31:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter opposes including Ste. Genevieve County in the St. Louis nonattainment area. The wind currents don't flow from the county to St. Louis. Including the county will not improve the air quality in St. Louis, but it will drastically affect the county's economic situation.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NOx emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 32:

Region: 7

State: MO
Area: St. Louis, MO-IL

Comment: A commenter does not support EPA's recommendation to designate St. Genevieve County as nonattainment zone because it is unnecessary and unfair.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NO_x emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

Comment 55:
Region: 7
State: MO
Area: St. Louis, MO-IL

Comment: Many commenters, which were comprised of ten local government officials representing Ste. Genevieve City and County, sent letters to EPA. These commenters requested that EPA accept the recommendation of the Missouri Department of Natural Resources and not include Ste. Genevieve County in an expanded nonattainment zone. Ste. Genevieve is a sparsely populated rural area with little industry and low growth.

EPA Response: As stated elsewhere, based on additional information provided by Missouri, and

additional evaluation of source emissions and controls in the county, EPA has now determined that there is sufficient information to determine that the county should be designated attainment/unclassifiable.

Comment 56:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter states that the Ste. Genevieve monitor actually checks the air quality coming from an industrial area in an adjoining county.

EPA Response: EPA agrees that the monitor has not violated the standard and has considered that fact in making its attainment determination.

Comment 94:

Region: 7

State: MO

Area: St. Louis, MO-IL

Comment: A commenter asks EPA to keep St. Genevieve in the St. Louis region for air quality.

EPA Response: Many residents of Ste. Genevieve County and others wrote EPA objecting to our initial intention to designate Ste. Genevieve County as a nonattainment area for the 8-hour ozone standard. Those commenters stated that current emissions do not impact the air quality in the St. Louis area, the County is sparsely populated and rural in nature, that the possible nonattainment designation would result in an unfair economic impact, and/or that EPA used inaccurate and out-of-date information.

Conversely some residents from Ste. Genevieve County and others wrote to EPA in support of our initial intention to include Ste. Genevieve County in the St. Louis nonattainment area. They stated that they were concerned about emissions impacting air quality in St. Louis and supported a nonattainment designation for Ste. Genevieve County.

EPA's concern with respect to the state's recommendation for Ste. Genevieve County, due to the anticipated growth in NO_x emissions, was that these emissions may be carried by the prevailing winds from the County into the St. Louis area and contribute to the area's air quality problem, thus, making it more difficult to attain the 8-hour ozone standard. Missouri responded that the amount of current emissions and stringency of controls on newly permitted sources in the county, do not support designating the county as nonattainment. Based upon information provided by Missouri and our analysis of the degree of control of existing sources in the area, we agree that current emissions do not support designating the county as nonattainment. A more detailed discussion of controls for pending (currently unpermitted) sources is provided elsewhere in this response to comments. In determining that Ste. Genevieve County is attainment, we have

not considered economic impacts as that is not a criterion for designations under section 107(d) of the CAA.

3.8 Responses to Comments
EPA Region 8 (Colorado, Montana, North Dakota, South Dakota,
Utah, and Wyoming)

Comment 288:

Region: 8

State: CO

Area:

Comment: A commenter asserts that areas that do not contain significant sources of ground-level ozone precursors, or that due to topography, meteorology, or other factors do not contribute to the problem, should not be subject to the burdens of a possible nonattainment designation.

EPA Response: The CAA requires EPA to designate as nonattainment any areas that is violating the standard or that is contributing to a violation in a nearby area. EPA and the states examine and balance 11 factors, including those mentioned by the commenter to determine if an area is contributing to a nearby violation of the NAAQS.

Comment 223:

Region: 8

State: CO

Area:

Comment: A commenter asserts that the Colorado Front Range is linked as one large airshed. Due to the topography and meteorology of the Colorado Front Range, air pollution is not confined to the Denver metropolitan area. In addition, ozone modeling suggests that the metropolitan areas in the Front Range are not independent source areas when it comes to ozone production.

EPA Response: These comments were from a preliminary pre-hearing statement that commenters Coloradans for Clean Air, Environment Colorado, Environmental Defense, the Sierra Club, and Western Resource Advocates had directed to the Colorado Air Quality Control Commission. EPA was provided a courtesy copy and responded above to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA.

Comment 1038:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: Some commenters sent a letter to EPA with the following recommendations:

1) The commenters recommend the entire Denver- Boulder- Greeley CMSA (Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson and Weld counties) as well as Elbert, El Paso, Grand, Larimer and Morgan counties be designated as nonattainment.

2) The EAC proposes to relax the federal Reid Vapor Pressure (RVP) standard for gasoline in the non-attainment area to 8.1 psi during the ozone season. The commenters vigorously oppose this proposed rollback in federal law.

3) The commenter believes Regulation No. 7 must apply to all the counties in the 8-hour ozone EAC.

4) The commenters are concerned about the recent proposal to weaken the control requirements for reciprocating internal combustion engines by requiring only a subset of the engines originally proposed to lower ozone-forming pollution.

5) According to the commenter, the proposed exemptions to Regulation No. 3 will lead to a significant increase in ozone-forming pollutants. These increasing pollution levels are neither accounted for in the air quality modeling being conducted or the corresponding pollution control strategy.

EPA Response: These comments are from a preliminary pre-hearing statement that the commenters -- Coloradans for Clean Air, Environment Colorado, Environmental Defense, the Sierra Club, and Western Resource Advocates -- directed to the Colorado Air Quality Control Commission. EPA was provided a courtesy copy and is responding to the one comment that is relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA. We have fully reviewed all of the information provided by the State and other interested parties, or developed by EPA. For the reasons stated below in response to comment ID number 1039, we have determined that the following counties and portions of counties should be included in the Denver nonattainment area: All of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson, and the southern portions of Larimer and Weld.

The remaining comments concern what are the appropriate controls for the Denver area to reach attainment. These issues are not the subject of this rulemaking, so we are not addressing those comments. We will continue to work with the State and interested stakeholders as the Denver area moves forward with the development of a State Implementation Plan (SIP) revision to attain the 8-hour NAAQS.

Comment 1039:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter recommends the entire Denver- Boulder- Greeley CMSA (Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson and Weld counties) as well as Elbert, El Paso, Grand, Larimer and Morgan counties designated as nonattainment.

EPA Response: EPA agrees with the commenters that the full counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson should be included as part of the Denver

nonattainment area. These full counties all lie within the Denver-Boulder-Greeley CMSA. In a letter dated February 5, 2004, the State requested that the northern half of Larimer County (which is not in the CMSA) and the northern half of Weld County not be included as part of the nonattainment area. In other words, the State asked that the portion of Weld County north of state highway 14 using a line equating to 40 degrees, 42 minutes, and 47.1 seconds north latitude be designated as attainment.

As requested by the State, EPA has not included the northern halves of Larimer and Weld Counties in the Denver nonattainment area boundary. To reach this decision, EPA relied on our TSD and technical information that is publically available and that was developed in conjunction with the Denver EAC ozone plan. The Colorado Air Quality Control Commission (AQCC) approved the Denver EAC ozone plan on March 12, 2004, and the State provided the plan and supporting technical materials to EPA on March 31, 2004. These State materials have been included in EPA Air Docket number 2003-0090 and can be accessed at the EPA Docket Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW, Washington, D.C. and are enclosed in EPA Air Docket number 2003-0090. Among these materials, EPA reviewed and considered the State's dispersion modeling information, emission inventory data, meteorological data, modeling sensitivity analyses as provided in the following State TSD Appendices, also located in EPA Air Docket number 2003-0090: "Appendix A-Modeling Protocol, Episode Selection, and Domain Definition", "Appendix B-Episode Selection for the Denver Early Action Ozone Compact", "Appendix C-Emission Inventories for the Ozone State Implementation Plan", meteorological information from "Appendix D-Evaluation of MM5 Simulations of the Summer '02 Denver Ozone Season and Embedded High 8-hr Ozone Episodes", "Appendix E-Development of the 2002 Base Case Modeling Inventory", "Appendix F-Development of the 2007 Base Case Modeling Inventory", Appendix G- Preliminary Photochemical Base Case Modeling and Model Performance", "Appendix H-Preliminary Photochemical Base Case Modeling and Model Performance", "Evaluation for the Summer '02 Denver Ozone Season and Embedded High 8-Hour Ozone Episodes", "Appendix I-Update of Ozone Modeling to Support Denver 8-hour Ozone EAC 2007 Control Strategy Evaluation", "Appendix J-2007 Base Case, Control Strategy and Sensitivity Analysis Modeling", "Appendix K- 2007 Emission Reduction Sensitivity Modeling", "Appendix L 2007 Control Strategy Modeling for the Denver EAC", "Appendix M-2003 Ambient Monitoring Study Data", and "Appendix N-Weight of Evidence to Support Attainment Demonstration".

Weld County: Weld County is a large county encompassing an area just under 4,000 square miles. The northern half of the county has only sparse population and much of the area consists of the Pawnee National Grasslands. All of the major cities, which are the primary source of commuters into the Denver metropolitan area, are located in the southern portion of the county. Additionally, there are only two larger (i.e., greater than 100 tons-per-year (tpy)) point sources in the northern portion of the county, both of which are located in the far northern portion of the county near the Wyoming border. One source is located approximately 90 miles from the Denver area's "Rocky Flats" maximum concentration DV monitor (AIRS ID 080590006) and the other is more than 110 miles from the monitor. All other point sources greater than 100 tpy, numerous oil field operations, and other sources of ozone precursors are within the southern half of Weld

County, which we have included as part of the designated nonattainment area.

Larimer County: The EPA is only including the southern half of Larimer County in the Denver nonattainment area. Larimer County is not part of the Denver CMSA. By incorporating the southern half of the County in the nonattainment boundary, EPA will be including all but one 100 tpy point source, the largest city (Fort Collins) with commuting patterns to and from the Denver CMSA, and the eastern half of Rocky Mountain National Park. The northern half of Larimer County is lightly populated and includes the Rawah Wilderness Area and portions of the Roosevelt National Forest. EPA has concluded that emissions from the northern half of Larimer County are not contributing to the 8-hour ozone violations in the Denver area.

Elbert County: EPA is not including Elbert County (which is not part of the Denver-Boulder-Greeley CMSA) in the Denver 8-hour ozone nonattainment area because its contributions of ozone precursor emissions are insignificant. Elbert County is large at 1850 square miles. However, the County's population is small (19,872 from the 2000 census), NO_x emissions are estimated at less than 4 tons-per-day (tpd), and VOC emissions are estimated at less than 4 tpd.

Morgan County: The EPA is not including Morgan County (which is not part of the Denver-Boulder-Greeley CMSA) in the Denver 8-hour ozone nonattainment area because the population is small (27,171), NO_x emissions are estimated at 30 tpd, and VOC emissions are estimated at 8 tpd. EPA notes that four major NO_x point sources (greater than 100 tpy) are located in the eastern half of Morgan County. These sources are greater than 90 miles from the "Rocky Flats" maximum concentration DV monitor. We also reviewed the relevant information that was provided in the State's Denver EAC ozone plan and the State's TSD, which as detailed above, are included in EPA Air Docket number 2003-0090. Based on our review of the information available, we were unable to establish that emissions from Morgan County were causing or contributing to 8-hour ozone violations at the "Rocky Flats" monitor (AIRS ID 080590006), the "NREL" monitor (AIRS ID 080590011) or "Chatfield" monitor (AIRS ID 080350002) (i.e., the only monitors showing violations of the 8-hour ozone standard in the Denver area.)

Grand County: The EPA is not including Grand County (which is not part of the Denver-Boulder-Greeley CMSA) in the Denver nonattainment area as it lies to the west of Larimer and Boulder counties and is separated from these counties by a physical boundary, the Continental Divide, which reaches elevations from 10,000 feet to 14,000 feet. Grand County is large at 1850 square miles, rural with a small population at 12,442 (from the 2000 census), and no major point sources. Although emissions from Grand County were incorporated into the modeling effort for the Denver EAC ozone plan, there was no indication that these emissions are contributing to the ozone violations on the eastern side of the Continental Divide at the "Rocky Flats" monitor, the "NREL" monitor or "Chatfield" monitor.

El Paso County: The EPA is not including El Paso County (which is not part of the Denver-Boulder-Greeley CMSA) in the Denver nonattainment area because it lies south of

Douglas County and is separated topographically from the Denver nonattainment area by a physical boundary called the Palmer Divide (also referred to as Monument Ridge). The Palmer Divide is essentially perpendicular to the Front Range of the Rocky Mountains, located near the cities of Monument and Palmer Lake, and rises to elevations exceeding 7,300 feet. Commenters provided "Figure 2.1" from a report produced by ENVIRON for the Denver EAC ozone plan that depicts predicted ozone concentrations from the northern area of El Paso County to the southern area of Larimer County. Commenters point to the elevated ozone values, but not a violation of the ozone standard, as evidence the ozone nonattainment area should include El Paso County. EPA notes that monitoring data do point to elevated ozone values in El Paso County, but these are likely a result of precursor emissions from the Colorado Springs metropolitan area. The referenced "Figure 2.1" is only one figure from the ENVIRON report, which is included as part of the State's TSD as Appendix J "Base Case, Control Strategy, and Sensitivity Analysis." Numerous other figures from that report show predicted ozone values remaining to the north of the Palmer Divide and not south of the Palmer Divide. We also note that the referenced "Figure 2.1" also clearly shows a gap between a northern area of higher ozone values, lying to the north of the Palmer Divide region, and a southern area of higher ozone values, lying to the south of the Palmer Divide region. The gap in ozone values depicted in "Figure 2.1" along the Palmer Divide region supports EPA's belief that the two airsheds are not clearly linked and that emissions from El Paso County were not contributing to the violations at the Rocky Flats, NREL, and Chatfield air monitors.

Comment 1102:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A few commenters are concerned about the inclusion of the rural counties of Weld, Morgan, and Elbert in metro nonattainment designations. EPA's nonattainment program is believed to be a tool for urban areas to use to ascertain their compliance with ozone rules. The counties of Weld, Morgan, and Elbert are primarily affected by transported air pollutants. Such rural areas will be negatively affected by this designation.

EPA Response: EPA responded to Senators Allard and Nighthorse Campbell in two separate, identical letters dated March 17, 2004 that were signed by Administrator Leavitt. The text of each letter was:

"Dear Senator" (Allard and Nighthorse Campbell):

"Thank you for your letter of February 10, 2004, expressing your concerns about the potential inclusion of Elbert, Morgan, and Weld counties within the metropolitan Denver area's 8-hour ozone nonattainment boundary. I appreciate the opportunity to provide an update on this issue.

As you may know, Colorado Department of Public Health and EPA are currently engaged in the CAA prescribed 120-day consultation period regarding this nonattainment boundary. Most

recently, EPA received correspondence on the matter, dated February 5, 2004, from Mr. Douglas Benevento, Executive Director of CDPHE, on behalf and at the request of Governor Owens. For your convenience in knowing the State's views at this time, I am enclosing a copy of that letter for your review. The State, through its ongoing efforts under the Denver area's 8-hour ozone EAC, has generated significant additional information that will assist CDPHE and EPA in furthering our discussions regarding the determination of the final 8-hour ozone nonattainment boundary.

In your letter you requested that EPA extend the comment period on EPA's proposed designations. The deadline of April 15, 2004 for designations is a requirement of a settlement agreement, and thus, the comment period cannot be extended. The Agency and the State will continue to work on the issue of nonattainment area boundaries.

Again, we appreciate your letter. If you or your staff have questions or would like more information regarding the potential inclusion of additional Colorado counties in the Denver area's 8-hour ozone nonattainment boundary, please contact me or Diann Frantz in our Office of Congressional & Intergovernmental Relations at 202-564-3668.

Sincerely,

Michael O. Leavitt"

In addition to Administrator Leavitt's response, EPA notes that the nonattainment provisions of the CAA (Act) are not intended exclusively for urban areas. Rather, the Act requires all areas that are either violating the standard or contributing to a violation should be included as part of the designated nonattainment areas. In determining the appropriate means to reach attainment, the state and local governments can consider factors such as the location of emissions sources in determining how best to attain the standard. In response to comment #1039, we describe the basis for our decision to include the southern half of Weld County in the Denver nonattainment area, and to exclude Morgan and Elbert Counties.

Comment 222:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter asserts that uncertainties in the air quality modeling need to be fully evaluated and considered in developing pollution abatement strategies to protect public health. There are a number of limitations with the modeling analysis, including failure to adequately account for the 2003 unhealthy ozone pollution levels, the need to ensure durable compliance at all Front Range monitors, failure to address the high ozone formation potential of hydrocarbons during elevated temperatures, and the need to more robustly assess the benefits of NO_x reductions. The modeling also fails to account for the exemptions to MOU allowed under the EAC policy and additional exemptions being advanced by the Commission as part of its

rulemaking proceeding for Regulation No. 3. The commenter was also concerned about the use of alternative weight-of-evidence methodologies.

EPA Response: These comments are from a preliminary pre-hearing statement that commenters Coloradans for Clean Air, Environment Colorado, Environmental Defense, the Sierra Club, and Western Resource Advocates directed to the Colorado Air Quality Control Commission. EPA was provided a courtesy copy and responded above, in the response to comment #1039, to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA. The commenters also make several comments with respect to the adequacy of the State's Denver EAC ozone plan and modeling that was performed in support of that plan. EPA has reviewed the materials regarding the Denver EAC ozone plan and the State's TSD materials (noted above in response to comment #1039) that were submitted to us on March 31, 2004. We have determined that the State's submittal is sufficient to have met the March 31, 2004, EPA EAC Protocol milestone submittal, but we have not completed an all-inclusive review of the State's dispersion modeling and control strategies. We will continue to work with the State and interested stakeholders as the Denver area moves forward with the development of a State Implementation Plan (SIP) revision to attain the 8-hour NAAQS.

Comment 224:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter claims that the entire Denver-Boulder-Greeley CMSA must be designated as nonattainment. The brisk population growth in Colorado is inexorably leading to expanded VMT. The state population is projected to grow by 18% from 2000 to 2010. Many urban centers like the Denver-Boulder-Greeley CMSA are surrounded by rapidly expanding suburban counties.

EPA Response: These comments are from a preliminary pre-hearing statement that commenters Coloradans for Clean Air, Environment Colorado, Environmental Defense, the Sierra Club, and Western Resource Advocates directed to the Colorado Air Quality Control Commission. EPA was provided a courtesy copy and responded above, in response to comment #1039, to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA.

Comment 225:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter claims that areas that contribute to nonattainment and/or share the same airshed with the Denver-Boulder-Greeley CMSA must also be included in the nonattainment area

even if these areas are outside the formal CMSA boundary. a) The Fort Collins-Loveland MSA is expected to grow by almost 17% from 2000 to 2010. The already significant pollution levels in Larimer County contribute to high ozone along the Colorado Front Range and will only rise with increasing growth. b) EPA erred in failing to recommend that the Colorado Springs MSA (El Paso County) be included in the nonattainment designation for the Front Range. Ozone concentrations were 84 ppb on July 11 and 80 ppb on July 10, implying that Colorado Springs area is in the same airshed as the Denver area. Besides significant NOx and VOC emissions, the Colorado Springs area also shares traffic and commuters with the Denver area. c) With respect to ozone concentrations, increased growth in outlying Elbert, Morgan, and Grand Counties primarily means more vehicle emissions contributing to the overall ozone pollution problem in the Front Range.

EPA Response: These comments are from a preliminary pre-hearing statement that commenters Coloradans for Clean Air, Environment Colorado, Environmental Defense, the Sierra Club, and Western Resource Advocates had directed to the Colorado Air Quality Control Commission. EPA was provided a courtesy copy and responded above, in response to comment #1039, to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA.

Comment 226:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter claims that comprehensive nonattainment boundaries are integral to protect public health and the environment from harmful ozone levels. The commenter recommends the Denver-Boulder-Greeley CMSA (Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Weld Counties) as well as Elbert, El Paso, Grand, Larimer, and Morgan Counties as nonattainment.

EPA Response: These comments are from a preliminary pre-hearing statement that commenters Coloradans for Clean Air, Environment Colorado, Environmental Defense, the Sierra Club, and Western Resource Advocates had directed to the Colorado Air Quality Control Commission. EPA was provided a courtesy copy and responded above, in response to comment #1039, to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA.

Comment 247:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter claims that EPA should designate the Denver-Boulder-Greeley CMSA

(Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson and Weld Counties) and Elbert, El Paso, Grand, Larimer and Morgan Counties as nonattainment for the 8-hour ozone standard in order to protect the people in Colorado from breathing unhealthy air.

EPA Response: These comments are from a January 23, 2004, letter to EPA from the American Lung Association, Coloradans for Clean Air, Colorado Environmental Coalition, Colorado Sierra Club, Environment Colorado, Environmental Defense, and Western Resource Advocates. EPA has responded above, in response to comment #1039, to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA.

Comment 248:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: Many commenters claim that risk growth in Denver/Boulder is leading to expanded VMT (from 58.5 million miles in 2001 to 70.7 million miles in 2010), increased electric demand of 1600 MW over the next decade, and upwind pollution discharges associated with natural gas development and extraction. These increases will further stress an already overburdened airshed. Since vast reaches of the Colorado Front Range violate or contribute to violations of the 8-hour ozone NAAQS, the commenter recommends that the Denver-Boulder-Greeley CMSA and Elbert, Grand, Larimer, Morgan, and El Paso Counties be designated nonattainment.

EPA Response: These comments are from a January 23, 2004, letter to EPA from the American Lung Association, Coloradans for Clean Air, Colorado Environmental Coalition, Colorado Sierra Club, Environment Colorado, Environmental Defense, and Western Resource Advocates. EPA has responded above, in response to comment #1039, to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA. In determining the boundaries for a nonattainment area, we considered VMT and the location of upwind emissions sources. As described in our response to comment #1039, we believe that the area designated nonattainment includes the area violating the 8-hour ozone standard and all nearby areas that contribute.

Comment 249:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: Some commenters claim that EPA must base its designations on the most recent measurements of violations of the NAAQS (2001-2003). High ozone concentrations span the entire Front Range, as evidenced by July 11, 2003 measurements at the Air Force Academy, Highland Reservoir, and Carriage monitors.

EPA Response: EPA agrees with the commenters. Our designations for the 8-hour ozone

standard are based upon air quality monitoring data from 2001, 2002, and 2003. EPA also agrees with commenters that elevated 1-hour ozone and 8-hour ozone monitored values were recorded in certain communities of the Colorado Front Range area in the summer of 2003.

Comment 250:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: Some commenters note that the Colorado Front Range is one large airshed. Ozone modeling suggests that the metropolitan areas in the Colorado Front Range are not independent source areas when it comes to ozone production. The studies show that the high ozone concentrations in the Denver CMSA during 2002 reached from the Colorado/Wyoming border north of Fort Collins all the way to El Paso County.

EPA Response: These comments are from a January 23, 2004, letter to EPA from the American Lung Association, Coloradans for Clean Air, Colorado Environmental Coalition, Colorado Sierra Club, Environment Colorado, Environmental Defense, and Western Resource Advocates. EPA has responded above, in our response to comment #1039, to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA.

Comment 251:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: Some commenters claim that without strong scientific justification, EPA should reject any state recommendation that does not in fact follow the well grounded C/MSA presumption. In the absence of a nonattainment designation for the entire C/MSA, both existing air pollution sources and growth in briskly suburban counties will result in increased air pollution just outside the core nonattainment areas.

EPA Response: These comments were from a January 23, 2004, letter to EPA from the American Lung Association, Coloradans for Clean Air, Colorado Environmental Coalition, Colorado Sierra Club, Environment Colorado, Environmental Defense, and Western Resource Advocates. EPA has responded above, in response to comment #1039, to those comments relevant to the 8-hour ozone designation and nonattainment boundary for the Denver-Boulder-Greeley CMSA. In addition, under the CAA, EPA is required to designate as nonattainment all areas violating the standard and all nearby areas that contribute to a violation. We are including in the designated nonattainment area all counties with violating monitors. Both the State and EPA examined the 11 factors from EPA's March 2000 Guidance to determine whether counties without violating monitors are contributing to violations and should be included as part of the designated nonattainment area. These factors include consideration of growth, mobile and stationary source emissions.

Comment 252:**Region: 8****State: CO****Area: Denver-Boulder-Greeley-Ft Collins-Love., CO**

Comment: Some commenters claim that EPA should designate the Greeley PMSA as nonattainment because it contributes to ozone NAAQS violations in nearby areas. Also, the area is expected to experience 38% population growth between 2000 and 2010. Oil and gas development/extraction activities in Weld County are a major source of ozone-forming pollution. Weld County should be designated nonattainment because thousands of individuals there are at risk from harmful ozone.

EPA Response: The Denver 8-hour ozone nonattainment boundary includes the Greeley MSA. The boundary also includes all the significant oil and gas operations and production facilities located in Weld county.

Comment 253:**Region: 8****State: CO****Area: Denver-Boulder-Greeley-Ft Collins-Love., CO**

Comment: Some commenters claim that EPA should include the Fort Collins-Loveland MSA, the Colorado Springs MSA, and Morgan, Elbert and Grand Counties in the Ozone Nonattainment Area for the Colorado Front Range. Areas that contribute to nonattainment or share the same airshed with Denver-Boulder-Greeley should be designated nonattainment even if the areas are outside the formal C/MSA. Population growth, existing pollution levels, monitoring, modeling, and commuting patterns were cited as reasons to include these areas.

EPA Response: Same as for comment No. 1039.

Comment 289:**Region: 8****State: CO****Area: Denver-Boulder-Greeley-Ft Collins-Love., CO**

Comment: A commenter asserts that EPA should modify the 11-county nonattainment boundary in Colorado to include all of Broomfield, Boulder, Denver, Douglas, and Jefferson Counties, and portions of Adams, Arapahoe, Larimer, and Weld Counties. Morgan and Elbert Counties should not be included. Topography, meteorology, and lack of significant emissions sources were cited as reasons for the exclusion of some areas.

EPA Response: EPA agrees with the State except EPA has included all of Adams and Arapahoe counties in the nonattainment area. The State did not provide adequate justification for not

including all of these counties and our analysis of the 11 factors did not support exclusion of the very eastern portions of these Denver CMSA counties. Therefore, we have included the whole counties as part of the 8-hour ozone nonattainment area.

Comment 290:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter asserts that EPA should exclude parts of Larimer and Weld Counties from the Colorado Front Range nonattainment area due to a lack of sources that emit ozone precursor emissions in both counties and due to terrain features that logically exclude both areas from being part of the airshed. The northern and western portions of Larimer County should be excluded for the same reasons.

EPA Response: In the State's letter of February 5, 2004, it recommended that the northern half of Weld County not be in the nonattainment area (north of state highway 14 using a line equating to 40 degrees, 42 minutes, and 47.1 seconds north latitude). Weld is a large county encompassing an area just under 4,000 square miles. EPA agrees with the State's recommendation for Weld County because the northern half of the county has only sparse population, much of the area consists of the Pawnee National Grasslands, and only two 100 tons-per-year (tpy) point sources were identified, both near the Wyoming border. One source is located approximately 90 miles from the Denver area's Rocky Flats maximum concentration DV monitor and the other is more than 110 miles from the monitor. Otherwise, all other point sources greater than 100 tpy, major cities and their commuter patterns, numerous oil field operations, and other sources of ozone precursors are within the southern half of Weld County and are within the 8-hour ozone nonattainment boundary.

With respect to Larimer County, EPA agrees with only including the southern half of the County. Larimer County is not part of the Denver CMSA. By incorporating the southern half of the County in the nonattainment boundary, EPA will be including all but one 100 tpy point source, the largest city (Fort Collins) with commuting patterns to and from the Denver CMSA, and the eastern half of Rocky Mountain National Park. The northern half of Larimer County is lightly populated and includes the Rawah Wilderness Area and portions of the Roosevelt National Forest.

Our complete analysis for these areas is located in the justifications and technical support sections of the docket and in our responses above, to comment #1039, to comments that we received in the January 23, 2004, letter to EPA from the American Lung Association, Coloradans for Clean Air, Colorado Environmental Coalition, Colorado Sierra Club, Environment Colorado, Environmental Defense, and Western Resource Advocates.

Comment 291:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter asserts that EPA should exclude all of Elbert County from the nonattainment area due to the lack of ozone precursors and elevated terrain features.

EPA Response: EPA agrees and is not including Elbert County in the Denver 8-hour ozone nonattainment area because its contributions of ozone precursor emissions are insignificant. Elbert County is large at 1850 square miles. However, the County's population is small (19,872 from the 2000 census), NOx emissions are estimated at less than 4 tons-per-day (tpd), and VOC emissions are estimated at less than 4 tpd. Our complete analysis for this area is located in the justifications and technical support sections of the docket and in our responses above, to comment #1039, to comments that we received in the January 23, 2004, letter to EPA from the American Lung Association, Coloradans for Clean Air, Colorado Environmental Coalition, Colorado Sierra Club, Environment Colorado, Environmental Defense, and Western Resource Advocates.

Comment 292:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter asserts that EPA should eliminate the eastern portions of Weld, Adams, and Arapahoe Counties from the boundary.

EPA Response: EPA agrees with the State except EPA has included all of Adams and Arapahoe counties in the nonattainment area. The State did not provide adequate justification for not including all of these counties. EPA does not see a valid rationale for the exclusion of the very eastern portions of these two counties and, therefore, they are included as whole counties for the 8-hour ozone nonattainment area. Our complete analysis for this area is located in the justifications and technical support sections of the docket and in our responses above, to comment #1039, to comments that we received from the January 23, 2004, letter to EPA from the American Lung Association, Coloradans for Clean Air, Colorado Environmental Coalition, Colorado Sierra Club, Environment Colorado, Environmental Defense, and Western Resource Advocates.

Comment 293:

Region: 8

State: CO

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO

Comment: A commenter recommends excluding Morgan County from the nonattainment area, but if Morgan must be included, the eastern portion of the county should be eliminated based on the extended distance that precursor emissions would have to travel in order to cause or contribute to high ozone concentrations.

EPA Response: EPA agrees with the State and is not including Morgan County (which is not part of the Denver-Boulder-Greeley CMSA) in the Denver 8-hour ozone nonattainment area because the population is small (27,171), NO_x emissions are estimated at 30 tpd, and VOC emissions are estimated at 8 tpd. EPA notes that four major NO_x point sources (greater than 100 tpy) are located in the eastern half of Morgan County. These sources are greater than 90 miles from the "Rocky Flats" maximum concentration DV monitor. We also reviewed the relevant information that was provided in the State's Denver EAC ozone plan and the State's TSD, whose elements are included in EPA Air Docket number 2003-0090. Based on our review of the information available, we were unable to establish that emissions from Morgan County were causing or contributing to 8-hour ozone violations at the "Rocky Flats" monitor (AIRS ID 080590006), the "NREL" monitor (AIRS ID 080590011), or "Chatfield" monitor (AIRS ID 080350002).

3.9 Responses to Comments
EPA Region 9 (Arizona, California, Guam, Hawaii, and Nevada)

Comment 180:**Region: 9****State: AZ****Area:**

Comment: A commenter notes that the 11 factors found in EPA's guidance will be difficult for the Tribes to address because of the late development of their air programs. This has resulted in insufficient air quality data. It will take more time to obtain the data to conduct a meaningful analysis.

EPA Response: EPA is obligated by the CAA to designate air quality for all areas of the United States, including Indian country, and EPA must do so under deadlines established in the Act, which means that some designations must be made with limited air quality data. Under the CAA, the development of air pollution control programs is optional for tribal governments. EPA regional offices have offered to work with any tribe requiring assistance in addressing the 11 factors. If a tribe is unable or unwilling to perform the 11-factor analysis, EPA, consistent with its federal trust responsibility, will do so on behalf of the tribe. EPA will decide on a case-by-case basis whether there is sufficient data to designate an area.

Comment 181:**Region: 9****State: AZ****Area:**

Comment: A commenter asserts that the use of MSAs and C/MSAs are impractical for land in the Southwest as MSAs and C/MSAs do not acknowledge tribal boundaries. Tribal land boundaries should be recognized and affirmed as authorized under the Tribal Authority Rule and thus would not be included in MSAs or C/MSAs that determine boundaries for nonattainment or attainment.

EPA Response: The EPA uses the MSA/CMSA as a presumptive boundary for beginning the discussions on nonattainment boundaries with Tribes and states. EPA understands Tribal concerns that using county boundaries seems not to acknowledge the economic and institutional sovereignty of Indian nations, but has not found a way to address this concern. For the 8 hour ozone standard, the EPA invited Tribal leaders to consult and make recommendations on air quality and appropriate boundaries to EPA. The EPA has found that ozone is a pervasive pollutant and is not confined to small areas. The EPA anticipates that in most cases air quality information collected in nearby areas will indicate that areas of Indian country located within CMSAs or MSAs may have the same designation as the surrounding area. However, based on the factors outline in our guidance there may be instances where a different designation is appropriate.

Comment 182:**Region: 9**

State: AZ

Area: Phoenix-Mesa, AZ

Comment: A commenter asserts that EPA should review the tribal designations requests and consider the designations on a case-by-case basis. Tribes that have submitted designation comments are: Salt River Pima-Maricopa Indian Community; Ft. McDowell-Yavapai Nation; Gila River Indian Community; and Ak-Chin Indian Community.

EPA Response: The EPA reviewed these designation recommendations on a case-by-case basis. Our full analysis is provided in the technical justification section of the docket.

Comment 1084:

Region: 9

State: AZ

Area: Phoenix-Mesa, AZ

Comment: A commenter asserts that there is no real justification for including any part of Pinal County in the 8-hour ozone nonattainment area. First, no monitor in Pinal County has recorded a violation of the 8-hour standard. Second, all of the control measures in the Area A part of Pinal County will remain in force and contribute to emission reductions. Third, the jurisdictional boundary of Pinal County should be honored because the creation of a multi-county nonattainment area would greatly complicate air quality and transportation planning. The commenters present supporting evidence in the following categories: 1) Population Density and Degree of Urbanization; 2) Traffic and Commuting Patterns; 3) Expected Growth; 4) Location of Emission Sources; and 5) Jurisdictional Boundaries.

To the extent that EPA continues to insist that a portion of Pinal County be included in the nonattainment boundary, it is Arizona's view that the area should be limited to the Pinal County portion of the incorporated City of Apache Junction. There is no basis for including any of the remaining Pinal County portion of Area A in the nonattainment boundary.

EPA Response: EPA disagrees with the commenter's assertion that the city of Apache Junction should not be included in the Phoenix nonattainment area, but agrees with the additional information provided that argues for adding only the Apache Junction area specified by the commenter to the nonattainment area, instead of the entire Pinal county portion of Area A. ("Area A" encompasses the greater Phoenix area and was created by an act of the Arizona legislature. The eastern boundary of Area A lies in northern Pinal County. The city of Apache Junction lies within this north Pinal portion of Area A, along the Maricopa-Pinal county line.)

Monitored violations for the 8-hour ozone NAAQS in the Phoenix urban area require that the Phoenix MSA be designated nonattainment, and that if a smaller or larger area is selected, that it be justified according to the 11 factors in our guidance. The commenter provides adequate justification for EPA to modify the nonattainment area boundary we specified in our December 3, 2003 letter to the State. In that letter, we stated our intention to include the entire Pinal county

portion of Area A, unless we were provided information sufficient to modify that position. The commenter, representing the State, has provided such information.

Most of the Pinal portion of Area A is not expected to be developed. The city of Apache Junction, immediately adjacent to the City of Mesa and therefore contiguous with the rest of the Phoenix urban area, is somewhat constrained in its growth. Apache Junction is constrained on its west side by the City of Mesa, and north and south by mountainous geography and protected lands, respectively. Growth to the east is not expected.

The commenter provides information attached to their cover letter dated February 13, 2004, which analyzes the 11 factors of our boundary guidance, with respect to inclusion of Apache Junction. A compelling argument is provided to limit the Pinal county portion of Area A to Apache Junction, in setting the nonattainment area boundary. Points include the fact that the city of Apache Junction is the only incorporated area in the Pinal portion of Area A, employment for Apache Junction residents is centered in Maricopa county, the city of Apache Junction's website estimates 34.5 families move there each week and describes a planned 50-acre industrial park planned for the city, a portion of Apache Junction is contained within Maricopa county, and the city is already a member of the Maricopa Association of Governments. A full analysis of our decision with respect to Pinal County is provided in the justification portion of the docket.

Comment 1085:

Region: 9

State: AZ

Area: Phoenix-Mesa, AZ

Comment: A commenter supports Governor Napolitano's July 11, 2003 recommendation for an 8-hour ozone nonattainment area boundary within Maricopa County. The proposed boundary represents a reasonable approach to this important health issue. The commenter supports the position by noting the following.

The recommended boundary encompasses the greater Phoenix metropolitan area, the existing one-hour nonattainment area, the growing area to the west where there are several new power plants and the growing residential areas, and the violating monitors.

Based on 2000-2002 data, only 3 of 19 monitors violated the standard with reading only slightly higher than the standard. EPA's 2003 implementation guidance indicates that areas close to the standard are expected to come into attainment without any additional local controls due to stricter vehicle controls that will begin in 2004.

EPA Response: The EPA largely agrees with the commenter. EPA's policy on 8-hour ozone nonattainment boundary decisions is to use the larger of either the 1-hour ozone nonattainment area (NAA) or the MSA/CMSA, as the presumptive boundary, and to use the 11 factors in our guidance to add to, or subtract from, the presumptive area, as appropriate. In many other areas of the country, county boundaries (or township boundaries, in the New England States), used by

OMB in defining C/MSAs, closely track metropolitan area population and emission sources. In the southwest, however, many counties are as large or larger than some entire New England States. We agree with the commenter on this point. EPA believes this is an important consideration in modifying presumptive boundaries, and this consideration will naturally appear in a complete 11-factor analysis for the area.

The EPA also agrees with the commenter's assertions that the State's recommended nonattainment area encompasses the 1-hour NAA and the expanding area to the west of Phoenix. We note, however, that the presumptive boundary is the GREATER of the 1-hour NAA or C/MSA, which in the case of Phoenix, is the Phoenix MSA, that is, the entirety of both Maricopa and Pinal Counties. Although we agree with the contention that the west portion of the State's recommended NAA is appropriate, at issue is the east portion, where we believe there is existing population density, expected continuation of population growth, and expected emissions increases, sufficient to warrant inclusion in the nonattainment area.

The EPA disagrees with the commenter's assertions that the greater Phoenix metropolitan area was included in the State's recommendation for the boundaries of the nonattainment area. Commercial development and population growth in the Phoenix area are bounded somewhat on the northeast by mountains and on the south by mountains and the Gila Indian reservation. Apache Junction in Pinal County constitutes the east end of the Phoenix urban area. We also note our understanding that the city of Apache Junction is a member of the commenter's organization, the Maricopa Association of Governments and as such, participates in transportation planning for the Phoenix urban area.

The EPA also disagrees with the commenter's assertions that the near-attainment monitoring data, and EPA's speculation that many areas in the nation that are close to attaining the 8-hour ozone NAAQS will do so without adopting significant additional local controls, are factors that indicate that the east Maricopa County line should serve as the east boundary of the Phoenix 8-hour NAA. Although it is true that the violating monitors are in Maricopa County, monitoring data on the whole show that the area to the east of Phoenix has degraded air quality that is directly impacted by proximity to the core of the Phoenix metropolitan area. Also, commuting patterns show that the Apache Junction work force largely commutes into other parts of the Phoenix urban area for work. Therefore, lacking evidence of a separate airshed, we expect Apache Junction contributes to the Phoenix violation.

The commenter's assertion that Phoenix may attain by the required attainment date, without any additional local controls, is based on general information, with no support provided for the actual area under consideration. Regardless, designations must be based on information regarding current contribution and air quality. The ability for an area to attain without local controls does not provide an exception to being designated nonattainment due to monitored violations of the standard, nor is such an ability an acceptable factor for excluding part of a C/MSA. Even if that assertion were supported, EPA would not be able to justify today leaving off part of a metropolitan area, due to the ability at a future date to attain without local controls. The boundary we set at present is meant to indicate current air quality, and to encompass areas that impact that

air quality.

Comment 1086:

Region: 9

State: AZ

Area: Phoenix-Mesa, AZ

Comment: A commenter does not agree with EPA's intended boundary for the Phoenix MSA. He believes including the Pinal County portion of Area A in the 8-hour nonattainment boundary would not result in new emissions controls on sources in Pinal County. Ozone precursor emission control measures are currently being implemented in that portion of Pinal County as federally enforceable control measures, including cleaner burning gasoline and enhanced I/M.

The best way to address EPA's concerns is to include these and other control measures in a revision to the Arizona SIP, instead of placing the Pinal County portion of Area A in the 8-hour nonattainment boundary.

EPA Response: The EPA disagrees with the commenter's assertion that source emission controls will not be impacted by inclusion in the Phoenix nonattainment area. The State Implementation Plan that the State will submit to EPA for approval within three years of the Phoenix nonattainment area designation will include control measures sufficient to demonstrate attainment. It is premature at this time to discuss what the State will include in that future submittal.

The EPA also disagrees with the commenter's assertion that EPA should consider "a SIP revision (or similar action)" as a factor in modifying the presumptive nonattainment area. EPA issued guidance that describes 11 factors to consider for the purpose of adding to or subtracting from the presumptive nonattainment area, which in this case is the Phoenix MSA, that is, the entirety of Maricopa and Pinal counties. EPA does not consider whether the State might in the future independently regulate an area in determining whether to include or exclude that area from the designated nonattainment area.

Comment 1087:

Region: 9

State: AZ

Area: Phoenix-Mesa, AZ

Comment: A commenter asserts that the Arizona Department of Environmental Quality believes that there are no real air quality benefits to be gained by including Apache Junction or any other part of the Pinal County portion of Area A in the nonattainment boundary. No violations of the 8-hour ozone standard have been measured in Pinal County since 1997, and inclusion of this area in the nonattainment boundary would not result in any new emission controls on sources in the county. Under state law, several federally enforceable control measures are already being implemented and will remain in effect. These measures include enhanced vehicle I/M and

cleaner burning gasoline.

The commenter disagrees with the concern that pollution sources might relocate to this portion of Pinal County if not included in the nonattainment boundary since the absence of readily available sources of water, and transportation and energy infrastructure make the area an unattractive location for new major industrial facilities.

The commenter believes that the inclusion of Apache Junction or any other part of the Pinal County portion of Area A in the nonattainment area would not enhance, but actually complicate transportation conformity and planning.

EPA Response: [Reference also response to comment ID 1086.] EPA disagrees with the commenter's conclusion that no new emission controls would result from inclusion of Apache Junction in the Phoenix Nonattainment Area. EPA sees evidence for growth in population and emissions in the city of Apache Junction. Planning decisions for the Phoenix area 8-hour nonattainment area are yet to be made. Decisions on how to achieve attainment for a nonattainment area are made at a later stage in implementing a plan in a nonattainment area than the earlier stage of defining the nonattainment area boundaries. Thus, it is premature to determine which areas and sources may be regulated for purposes of bringing Phoenix into attainment with the 8-hour standard. Additionally, EPA notes that MOU and conformity will apply to all portions of the nonattainment area and will ensure that new growth in the area does not impede attainment. In setting the boundaries for the Phoenix Nonattainment Area that include the entire urban area, EPA believes it is important for the State and local air and transportation agencies to have the appropriate area to consider in making planning decisions.

The commenter has not supported the assertion that air and transportation planning will be unduly complicated by inclusion of Apache Junction in the Phoenix Nonattainment Area. Apache Junction is a member of the Maricopa Association of Governments, which currently oversees air and transportation planning for the 1-hour ozone standard. Even if the city of Apache Junction were not a member of MAG, EPA has not received a compelling argument that inclusion of the city in the Phoenix Nonattainment Area will unduly complicate implementation of the 8-hour ozone standard in the nonattainment area.

Comment 1109:

Region: 9

State: AZ

Area: Phoenix-Mesa, AZ

Comment: Several commenters respectfully request EPA to provide full consideration to it's review of the 8 hour designation rulemaking in Maricopa County, Arizona. Commenters ask EPA to consider the State of Arizona's findings related to the designation of Maricopa County.

EPA Response: EPA's full analysis for the Phoenix 8-hour ozone nonattainment area, which includes Maricopa County, is included in the Justifications portion of the docket.

Comment 34:

Region: 9

State: CA

Area:

Comment: A commenter asserts that EPA should distinguish between measured attainment areas and unclassifiable areas.

EPA Response: In general, EPA has not distinguished between attainment and unclassifiable areas as a matter of policy since 1970. The regulatory requirements are in fact the same and the distinction makes no difference in terms of the obligations of the areas. Moreover, regardless of whether EPA differentiates between attainment and unclassifiable or not in its designations, EPA has the same authority under section 107(d)(3) to redesignate an area to nonattainment should it be determined to be a violating area in the future.

Comment 238:

Region: 9

State: CA

Area: East Kern County, CA

Comment: A commenter asserts that there is an oversight in EPA's designations and changes are suggested. On page 5 (pg.2 of enclosure) of EPA's recommendation letter, all of Eastern Kern County is designated nonattainment. The correct text should read "Eastern Kern County except Indian Wells Valley." The Kern County portion of the Indian Wells Valley should be designated as attainment since there are now five years of ozone monitoring data showing attainment.

EPA Response: The EPA agrees with the commenter's correction. [See also the Justification for East Kern County, California]

Comment 35:

Region: 9

State: CA

Area: East Kern County, CA;Ventura Co, CA;Los Angeles-San Bernardino Cos W. Mojave, CA

Comment: A commenter asserts that staff discussions with Region 9 indicate agreement on subtle details to the nonattainment area boundaries, and the Air Resources Board requests that EPA affirm its agreement in writing: (1) Eastern Kern County excludes Indian Wells Valley; (2) Ventura County excludes Anacapa and San Nicolas Islands; and (3) Western Mojave Desert includes those portions of San Bernadino County within the existing Southeast Desert Modified one-hour ozone nonattainment area, rather than all portions of San Bernadino County within the Mojave Desert Air Basin.

EPA Response: [See also Justifications for Eastern Kern (Case ID 1044); Ventura (Case ID

1084); and San Bernardino (Case ID 1066).] EPA agrees that (1) Eastern Kern County excludes Indian Wells Valley; (2) Ventura County excludes Anacapa and San Nicolas Islands; and (3) Western Mojave Desert includes those portions of San Bernardino County within the existing Southeast Desert Modified one-hour ozone nonattainment area, rather than all portions of San Bernadino County within the Mojave Desert Air Basin.

Comment 38:

Region: 9

State: CA

Area: Los Angeles-San Bernardino Cos W. Mojave, CA

Comment: A commenter continues to recommend that Antelope Valley remain a distinct nonattainment area and not be consolidated with the Western Mojave Desert area.

EPA Response: The EPA sees no basis for separating Antelope Valley from the rest of the West Mojave Nonattainment Area (NAA). For the reasons provided in the technical justification section of the docket (San Bernardino County, Case ID 1066), EPA is including the Antelope Valley as part of the West Mojave NAA.

Comment 185:

Region: 9

State: CA

Area: Los Angeles-San Bernardino Cos W. Mojave, CA

Comment: A commenter asserts that the Antelope Valley AQMD objects to the inclusion of the Antelope Valley as part of the Western Mojave Desert nonattainment area. The commenter notes that the Antelope Valley: is not in violation of the 8-hour ozone standard and is not expected to violate due to upwind emission reductions; does not have precursor emissions consistent with a region capable of generating exceedances of the ozone standard downwind; and is a separate political and administrative region from the other portions of the proposed Western Mojave Desert nonattainment area.

EPA Response: [See also the Justification for San Bernardino, CA] Monitoring data indicate that the Antelope Valley area is violating the 8-hour ozone NAAQS. Neither the commenter nor the State has provided compelling justification based on our 11-factor guidance that Antelope Valley should be considered a separate nonattainment area from the Southeast Desert.

Comment 78:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter asserts that EPA's boundaries for the Sacramento Region nonattainment area are inconsistent with EPA's "11 factors" of boundary guidance, particularly

with regard to Nevada County. There are too many differences between these two areas according to the guidance. These differences include;

- 1) Nevada County is very dissimilar from the state recommended Sacramento region in both emission sources and ambient air quality. The Sacramento region has a significantly higher number of point and mobile sources and overall emissions. Air monitoring data demonstrates a marked difference in ambient concentrations, the number of exceedances, time of day, etc.
- 2) EPA's proposed boundaries cross existing MSA, 1-hr ozone nonattainment, and air basin lines. Crossing these boundaries will result in a greater administrative and regulatory burden to local agencies and downwind receptors, duplication of effort, and may delay air quality reductions and strategies being developed and implemented at the air basin level.
- 3) The total population, population density, degree of urbanization, and population growth rates are significantly less for western Nevada County than the Sacramento region. This is not consistent with EPA's Factor 2.
- 4) With respect to EPA Factor 4, the Nevada County receptors are not "nearby" in relation to the Sacramento region. The violating monitor in Nevada County is approximately 60 miles from Sacramento and the air quality readings from this monitor indicate a significant time delay.
- 5) Nevada County is distinctly different from the Sacramento area in terms of its geography, economic regions, traffic regions, and expected growth rates and patterns. Including Nevada County within the Sacramento region is not consistent with these differences and EPA Factors 5 and 6.
- 6) There is a significant difference between Nevada County and Sacramento in terms of both meteorology (e.g., wind patterns and temperature inversions) and geology/topography (EPA Factors 7 and 8, respectively). These differences contributed to the two areas being placed in separate air basins. In fact, CARB makes separate daily burn determinations for the two basins because of these differences.
- 7) No portion of Nevada County is included within the Sacramento MSA. Furthermore, Nevada County and Sacramento are in different air basins. Consequently, each has a separate air quality organization and framework. Similarly, Nevada County is in attainment for PM and 1-hour ozone while Sacramento is not. If western Nevada County is placed in the Sacramento region it will result in entirely new jurisdictional boundaries and could hinder both areas' attempts to improve air quality.
- 8) The current level of control measures is vastly different in rural, Nevada County, which has been in attainment of the 1-hr ozone NAAQS, than in the upwind Sacramento region that has been in nonattainment. Nevada County is also subject to overwhelming transport of ozone and ozone precursors. Bringing Nevada County up to the same level of control as Sacramento would require much effort and will not assist either jurisdiction in attaining the standard.

9) The EPA's contention that a "regional approach" would best suit addressing the air quality of both western Nevada County and the Sacramento region is not necessary since the State already provides for this in Section 40912 of the CA Health and Safety Code. Additionally, inclusion of western Nevada County in the Sacramento region would result in an unnecessary regulatory burden on the downwind receptors and the increased control requirements would not result in a commensurate improvement in air quality.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County NAA). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region NAA.

Comment 1071:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter asserts that Western Nevada County should not be included in the Sacramento Region 8-hour ozone nonattainment area. The EPA's decision to include Western Nevada County in this nonattainment area will result in severe and unacceptable constraints on Nevada County.

Nevada County is in a downwind air basin from the Sacramento Region and geographically lies at an elevation 2,500 feet above Sacramento and nearly 80 miles away. Consequently, Western Nevada County receives an inordinate amount of ozone and its precursors from the population centers in the Sacramento Region and the San Francisco Bay Area while contributing only a minimal amount of pollutants itself. As such, the County has previously existed as its own area and, unlike the Sacramento Region, has successfully attained compliance with the current one-hour ozone standard.

If the EPA's recent decision is implemented, it will dramatically reduce the influence that Nevada County officials currently have to seek effective solutions to air quality issues affecting their constituents. In addition, this plan may also jeopardize the County's federal transportation funding which serves as the catalyst for future economic growth. Further, if the EPA disregards the recommendations of the California State Air Resources Board and Northern Sierra Air Quality Management District, it will inhibit other agencies to fully cooperate or participate in EPA initiatives.

Given that the County does not create the air quality problem with which its citizens are forced to

live, it makes little sense to implement a designation that would penalize Nevada county as if it were fully responsible for the ozone emissions exported by upwind urban areas.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County NAA). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate Nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region nonattainment area.

Comment 1088:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter opposes EPA's inclusion of Western Nevada County in the Sacramento nonattainment area, and supports the proposal of the Nevada County Transportation Commission, the Nevada County Board of Supervisors, the Northern Sierra Air Quality Management District, and the California Air Resources Board (CARB) to designate Western Nevada County a separate nonattainment area from the Sacramento Region.

Data from the 2000 Census and Nevada County transportation planning studies indicate that Nevada County is distinctly separate from the Sacramento area by geography, and its economic and traffic regions. Also, the topography, availability of infrastructure, and the policies of the Nevada County General Plan will prevent Nevada County from developing at a density that would cause it to become part of the Sacramento MSA. Nevada County receives transported pollutants from the Sacramento, San Joaquin and San Francisco regions that negatively impact local air quality and contribute overwhelmingly to violations of the 8-hour ozone standard. Implementation of EPA's proposal might actually hinder Nevada County's progress towards clean air by imposing unnecessary administrative burden, reducing its authority to make decisions, and placing needless burden on local businesses.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County NAA). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region NAA.

Comment 1089:**Region: 9****State: CA****Area: Sacramento Metro, CA**

Comment: A commenter requests that Nevada County, a foothills community, not be included in the Sacramento nonattainment area, and be designated a separate nonattainment area. Nevada County's ozone problem is primarily due to transport of pollutants from upwind areas, including Sacramento and San Francisco. Local ozone precursor emissions are not sufficient to cause violations of the federal standards. Inclusion of the county in the Sacramento nonattainment area would cause an excessive administration burden on the County. A separate nonattainment area designation would lessen the economic impacts on residents and local businesses and permit implementation of proper measures specifically related to the local area and conditions.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County Nonattainment Area). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region Nonattainment Area.

Comment 1090:**Region: 9****State: CA****Area: Sacramento Metro, CA**

Comment: A commenter supports Nevada County's request to designate western Nevada County as a separate nonattainment area. Nevada County is impacted by transport of ozone precursors from the Sacramento Region and the San Francisco Bay Area. Local emissions in Nevada County are not sufficient to cause violations of the Federal standard. Nevada County is working toward achieving effective local air quality controls, and EPA's proposal might actually hinder their progress. Inclusion of the county in the Sacramento nonattainment area would cause an excessive administration burden on the County, as well as reduce its authority to make decisions.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County Nonattainment Area). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We

therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region Nonattainment Area.

Comment 1098:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter supports designating western Nevada County as a separate nonattainment area from the Sacramento nonattainment area. The reasons include:

- 1) Adverse effects of regulations on western Nevada County's residents, business and economic development
- 2) EPA's recommendation is inconsistent with its own boundary criteria 3
- 3) A large elevation difference and distance between the two areas.
- 4) Development and population differences 4) No benefit to Sacramento's air quality improvement efforts
- 5) Ability for the county to pursue separate emission controls.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (NAA) (west Nevada County NAA). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region NAA.

Comment 1100:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter reiterates the request to include South Sutter County in the Sacramento nonattainment area in light of the fact that the area experienced 41 violations of the 8-hour standard last summer. Wind patterns in the valley recirculate emissions from Yuba and Sutter Counties in the region, and the counties are transitioning from an agricultural economy to a more urban economy linked to Sacramento's transportation infrastructure. South Sutter must remain in the Sacramento nonattainment area to ensure consistency in emission mitigation strategies for stationary and mobile sources including transportation conformity. The commenter provides supporting evidence through comparison of emissions levels, air quality measurements, population, meteorology, geography/topography, traffic and commuting patterns.

EPA Response: EPA agrees with the commenter that south Sutter county should be included in the Sacramento Region Nonattainment Area. [See also Sutter County Justification, Case ID 2083.]

Comment 187:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter requests assistance in persuading EPA to designate western Nevada County as a separate nonattainment area in a letter to Senator Dianne Feinstein. EPA's proposal to include Nevada County in the Sacramento area is in opposition to ARB's recommendation. The main reason cited is that Nevada County exceeds the 8-hour ozone standard due to overwhelming transport of ozone and its precursor emissions from the Sacramento and San Francisco Bay Areas. Including western Nevada County in the Sacramento Region will result in the implementation of unnecessary control measures in western Nevada County.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County NAA). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region NAA.

EPA notes the exclusion of the attachment to the comment letter, in the copy of the letter provided to EPA.

Comment 37:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter continues to recommend that Western Nevada County remain a distinct nonattainment area and not be consolidated with the Sacramento Region. The recommendation is based on evaluation of the 11 factors, expeditious attainment through effective air quality planning, and the ability to use the more flexible implementation provisions of Subpart 1.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (NAA)(west Nevada County NAA). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December

3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region NAA.

Comment 76:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter requests that the EPA designate western Nevada County as a separate nonattainment area for 8-hr O₃ consistent with CARB's recommendation.

EPA Response: [See also the Justification for Nevada County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (NAA)(west Nevada County NAA). EPA intended to group the downwind receptor west Nevada County area together with the upwind source Sacramento Region, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region NAA.

Comment 77:

Region: 9

State: CA

Area: Sacramento Metro, CA

Comment: A commenter requests that the EPA designate western Nevada County as "nonattainment for the 8-hour ozone NAAQS due to overwhelming transport of ozone and ozone precursors from upwind areas."

EPA Response: EPA finds that this request is premature. This rulemaking is solely for the purpose of identifying whether an area is nonattainment, attainment or unclassifiable for the 8-hour ozone NAAQS. As discussed in EPA's proposed Implementation Rule, areas that are designated nonattainment for the 8-hour ozone NAAQS may be eligible for some relief from planning obligations if the area can demonstrate that it suffers from overwhelming transport. The final Implementation Rule provides that EPA will shortly be issuing revised guidance that States should use in making a demonstration to EPA that an area is affected by overwhelming transport.

Comment 1095:

Region: 9

State: CA

Area: Sacramento Metro, CA; San Joaquin Valley, CA

Comment: A commenter is requesting that Amador, Calaveras, Tuolumne, and Mariposa Counties be designated as separate nonattainment areas from the San Joaquin Valley nonattainment area; and western Nevada County be designated separate from the Sacramento nonattainment area. The commenter presented reasons why these counties are distinct from the urban areas of the San Joaquin Valley and Sacramento Regions. The reasons cited are found below.

- 1) All five counties are in a separate air basin from the San Joaquin Valley and Sacramento Region and have historically been identified by EPA and the CARB as such with different meteorology, topography and demographics.
- 2) All five counties are not in violation of the one-hour ozone standards in the San Joaquin and Sacramento Region.
- 3) Not one of the five counties is located in either MSA.
- 4) CARB has classified all areas as nonattainment due to overwhelming transport of ozone and ozone precursors from upwind areas.
- 5) Local emissions in the five counties are insufficient to cause violations of the 8 hour standard.
- 6) All five counties are significantly different with respect to population density and degree of urbanization from San Joaquin and Sacramento Region.
- 7) Growth projections for the five counties are significantly different from the San Joaquin and Sacramento Region.
- 8) All five counties have separate air pollution control districts which will develop and implement control strategies to reduce emissions and will endeavor to attain the 8 hour standard.
- 9) All five counties have separate Transportation Commissions with existing demand models for use in conducting conformity determinations.
- 10) Requiring much more restrictive upwind regulations on the five downwind counties will not achieve attainment of the Federal standard because the nonattainment problem is caused by transport from upwind sources.
- 11) Under the State's authority to regulate internal air quality planning, the State requires upwind areas to mitigate their transport of pollutants.
- 12) The five counties are working towards achieving effective local air quality controls to reduce emissions and the EPA recommendation may hinder their progress. Allowing the five counties to

be a separate nonattainment area would lessen the economic impact on residents and local businesses.

EPA Response: [See also the Justifications for Nevada County and Amador County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County Nonattainment area), that Amador and Calaveras counties should be designated as their own 8-hour nonattainment area (Central Mountain Counties Nonattainment), and that Tuolumne and Mariposa counties should be designated as their own 8-hour nonattainment area (Southern Mountain Counties Nonattainment).

EPA intended to group the downwind receptor areas (west Nevada County, Amador and Calaveras, Tuolumne and Mariposa counties) together with the upwind source areas (Sacramento Region and San Joaquin Valley), as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate upwind and downwind nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region Nonattainment Area. We are also designating Amador and Calaveras counties as their own 8-hour nonattainment area (Central Mountain Counties Nonattainment Area), and Tuolumne and Mariposa counties as their own 8-hour nonattainment area (Southern Mountain Counties Nonattainment Area), separate from the San Joaquin Valley Nonattainment Area.

Comment 43:

Region: 9

State: CA

Area: San Diego, CA

Comment: A commenter recommends that the Campo Indian Reservation should not be included in the nonattainment area that includes San Diego County. The arguments are based on the facts that the Campo Band is neither socially nor economically integrated with the surrounding MSA, that historical inequities separate the Campo Band from state and local governments, and that three years of monitoring data are not available for designation.

EPA Response: The EPA agrees with the commenter and will designate the Campo Band area in southeast San Diego County as attainment/unclassifiable.

Comment 33:

Region: 9

State: CA

Area: San Francisco Bay Area, CA

Comment: A commenter asserts that the San Francisco Bay Area should be added to the list of nonattainment areas because this region recorded violations of the standard in 2003.

EPA Response: The EPA agrees and is designating the San Francisco Bay Area as nonattainment for the 8-hour ozone NAAQS.

Comment 36:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter continues to recommend that the Central Mountain Counties (Amador and Calaveras) and the Southern Mountain Counties (Tuolumne and Mariposa) remain distinct nonattainment areas and not be consolidated with the San Joaquin Valley. The recommendation is based on evaluation of the 11 factors, expeditious attainment through effective air quality planning, and the ability to use the more flexible implementation provisions of Subpart 1 of the CAA.

EPA Response: [See also the Justification for Amador County.] EPA agrees that Amador and Calaveras counties should be designated as their own 8-hour nonattainment area (Central Mountain Counties NAA), and that Tuolumne and Mariposa counties should be designated as their own 8-hour nonattainment area (Southern Mountain Counties NAA).

The EPA intended to group the downwind receptor areas (Amador and Calaveras, Tuolumne and Mariposa counties) together with the upwind source areas (San Joaquin Valley), as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate upwind and downwind nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating Amador and Calaveras counties as their own 8-hour nonattainment area (Central Mountain Counties NAA), and Tuolumne and Mariposa counties as their own 8-hour nonattainment area (Southern Mountain Counties NAA), separate from the San Joaquin Valley NAA..

Comment 96:

Region: 9

State: CA

Area: San Joaquin Valley, CA;Sacramento Metro, CA;San Francisco Bay Area, CA

Comment: A commenter asserts that Amador, Calaveras, Tuolumne, and Mariposa counties should not be included in the EPA's proposed San Joaquin Valley Air Basin (SJVAB) boundary. These mountain counties should not be included within SJVAB unless SJVAB is the only significant contributor. Since Sacramento and the San Francisco Bay Area have also been demonstrated to affect the mountain counties, the SJVAB plan adoption and approval process would greatly increase in complexity with the inclusion of the mountain counties. EPA should instead designate the mountain counties as a rural transport nonattainment area.

EPA Response: [See also the Justification for Amador County.] EPA agrees that Amador and Calaveras counties should be designated as their own 8-hour nonattainment area (NAA)(Central Mountain Counties NAA), and that Tuolumne and Mariposa counties should be designated as their own 8-hour nonattainment area (Southern Mountain Counties NAA).

EPA intended to group the downwind receptor areas (Amador and Calaveras, Tuolumne and Mariposa counties) together with the upwind source areas (San Joaquin Valley), as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate upwind and downwind nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating Amador and Calaveras counties as their own 8-hour nonattainment area (Central Mountain Counties NAA), and Tuolumne and Mariposa counties as their own 8-hour nonattainment area (Southern Mountain Counties NAA), separate from the San Joaquin Valley NAA.

EPA disagrees, however, that the Central and Southern Mountain County NAAs should be designated rural transport areas in making our initial 8-hour ozone designations. While such an option is not available at this time, EPA is finalizing Phase I of the implementation rule for the 8-hour ozone standard, which describes options for rural areas impacted by transport of air pollution.

Comment 1091:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter opposes EPA's proposal to include Amador and Calaveras Counties in the San Joaquin nonattainment area. The geography and atmospheric conditions between the two areas are completely different. The two counties are small, rural, and not densely populated. They are subject to increased ozone levels because of emissions transported from the much more urban San Joaquin and Sacramento Valley areas. Amador and Calaveras Counties should remain a separate nonattainment area. Commenter asks EPA to allow rural nonattainment areas to remain as a separate nonattainment area that would allow them to continue to control their locally generated ozone precursors at the local level.

EPA Response: [See also the Justification for Amador County.] EPA agrees with the commenter's position to make Amador and Calaveras counties a separate nonattainment area (Central Mountain Counties Nonattainment Area). EPA intended to group the downwind receptor Amador and Calaveras counties area together with the upwind source San Joaquin Valley area, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the Central Mountain Counties as a nonattainment area, separate from the San Joaquin Valley Nonattainment Area.

Comment 1092:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter opposes EPA's recommendation to include Tuolumne County into the San Joaquin Valley 8-hour nonattainment area. They support CARB's recommendation to designate Tuolumne County and other air districts comprising the southern Mountain Counties Air Basin as a separate nonattainment area.

The commenter presents numerous reasons for separating Tuolumne County, such as differences in meteorology, topography, population density, degree of urbanization, and growth, traffic patterns, transport from upwind areas, and a negative impact on the facility's economic operation and emission control strategies. Some of the reasons presented are found below.

- 1) Tuolumne County is in a separate air basin from the San Joaquin Valley.
- 2) Tuolumne County is not in violation of the Federal 1 hour standard as is the San Joaquin Valley.
- 3) Tuolumne County is not in the San Joaquin MSA.
- 4) The state has classified Tuolumne County nonattainment due to overwhelming transport.
- 5) Tuolumne County's DV is .095 ppm vs. .113 ppm for the San Joaquin Valley.
- 6) Tuolumne County is significantly different in both population density and degree of urbanization.
- 7) Growth projections for Tuolumne County are not similar to the San Joaquin Valley area.
- 8) Tuolumne County, in cooperation with their local air districts will develop and implement control strategies to reduce emissions commensurate with their contribution and will endeavor to attain the 8-hour standard.
- 9) Tuolumne County has a separate Transportation Commission with existing demand models for use in conducting conformity determinations.
- 10) Traffic volume between Tuolumne County and San Joaquin Valley area is minimal and is less than the traffic volume shared within the county.
- 11) The San Joaquin Valley Air Pollution Control District is opposed to EPA's recommendations.
- 12) Requiring much more restrictive regulations from an upwind area on Tuolumne County will

not achieve attainment of the Federal standard.

13) Including Tuolumne County in the San Joaquin Valley nonattainment area will result in negative economic impacts, excessive administrative and financial burden on PUCS and other Tuolumne County businesses, and will potentially reduce local government control.

EPA Response: [See also the Justification for Amador County.] EPA agrees with the commenter's position to separate Tuolumne County from San Joaquin Valley Nonattainment Area. EPA intended to group the downwind receptor Tuolumne County area with the upwind source San Joaquin Valley area, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating Tuolumne County as part of the Southern Mountain Counties Nonattainment Area, separate from the San Joaquin Valley Nonattainment Area.

Comment 1093:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter is requesting that Amador, Calaveras, Tuolumne, and Mariposa Counties be designated as separate nonattainment areas from the San Joaquin Valley nonattainment area. Additionally, the commenter requests that EPA designate the above-mentioned counties as nonattainment for the 8-hour ozone NAAQS due to overwhelming transport of ozone and ozone precursors from an upwind area(s). The commenter presented reasons why these counties are distinct from the urban areas of the San Joaquin Valley and Sacramento Regions. Examples include differences in meteorology, topography, demographics, transport from upwind areas, insufficient local emissions to cause violations, population density, degree of urbanization, and excessive administrative burdens of the counties. Specific reasons are cited below.

- 1) All five counties are in a separate air basin from the San Joaquin Valley and Sacramento Region and have historically been identified by EPA and the CARB as such.
- 2) All five counties are not in violation of the one-hour ozone standards in the San Joaquin and Sacramento Region.
- 3) Not one of the five counties is located in either MSA.
- 4) CARB has classified all areas as nonattainment due to overwhelming transport.
- 5) Local emissions in the five counties are insufficient to cause violations of the 8 hour standard.

- 6) All five counties are sufficiently different with respect to population density and degree of urbanization from San Joaquin and Sacramento Region.
- 7) Growth projections for the five counties are significantly different from the San Joaquin and Sacramento Region.
- 8) All five counties have separate air pollution control districts which will develop and implement control strategies to reduce emissions and will endeavor to attain the 8 hour standard.
- 9) All five counties have separate Transportation Commissions with existing demand models for use in conducting conformity determinations.
- 10) Requiring much more restrictive regulations on the five downwind counties will not achieve attainment of the Federal standard because the nonattainment problem is caused by transport from upwind sources.
- 11) The five counties are working towards achieving effective local air quality controls to reduce emissions and the EPA recommendation may hinder their progress. Allowing the five counties to be a separate nonattainment area would lessen the economic impact on residents and local businesses.

EPA Response: [See also the Justifications for Nevada County and Amador County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County Nonattainment Area), that Amador and Calaveras counties should be designated as their own 8-hour nonattainment area (Central Mountain Counties Nonattainment Area), and that Tuolumne and Mariposa counties should be designated as their own 8-hour nonattainment area (Southern Mountain Counties Nonattainment Areas).

The EPA intended to group the downwind receptor areas (west Nevada County, Amador and Calaveras, Tuolumne and Mariposa counties) together with the upwind source areas (Sacramento Region and San Joaquin Valley), as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate upwind and downwind nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region Nonattainment Area (NAA). We are also designating Amador and Calaveras counties as their own 8-hour nonattainment area (Central Mountain Counties NAA), and Tuolumne and Mariposa counties as their own 8-hour nonattainment area (Southern Mountain Counties NAA), separate from the San Joaquin Valley NAA.

The EPA notes that the issue of whether an area is experiencing overwhelming transport is not an issue for the designations we are issuing today. The Act does not provide a separate "overwhelming transport" designation. However, areas designated nonattainment may be eligible for certain relief if they can demonstrate they are affected by overwhelming transport. EPA is

addressing this issue separately in its rule regarding implementation of the 8-hour NAAQS.

Comment 1096:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter is requesting that Calaveras County be designated as part of the proposed Amador/Calaveras Air Basin as a separate nonattainment area from the San Joaquin Valley nonattainment area. The commenter presented reasons why these counties are distinct from the urban areas of the San Joaquin Valley Region. Examples include differences in meteorology, topography, demographics, transport from upwind areas, insufficient local emissions to cause violations, population density, degree of urbanization, and excessive administrative burdens of the counties. Reasons for their request are cited below.

1) The State recognizes Calaveras County is overwhelmingly impacted due to transport from the San Joaquin Valley region.

2) Applying upwind and likely more restrictive regulations on downwind Calaveras County will not achieve attainment of the Federal standard.

Tuolumne County is in a separate air basin from the San Joaquin Valley.

3) Local emissions in Calaveras County are not sufficient to cause violations of the Federal standard.

4) Calaveras County has an existing framework for development and implementation of local control measures.

5) Calaveras County, in cooperation with their local air districts will develop and implement control strategies to reduce emissions commensurate with their contribution.

6) Calaveras County APCD will continue with an outreach program to inform residents of poor air quality episodes and how to reduce emissions daily.

7) Ozone levels are markedly different in Calaveras County than levels in the San Joaquin Valley air basin and Calaveras County is not in violation of the Federal 1 hour standard as is the San Joaquin Valley.

8) Calaveras County is not included in the San Joaquin Valley 1-hour nonattainment area.

9) There are no major population centers in Calaveras County. The County has a total of 41,000 with an average density of 41 people per square mile.

10) Calaveras County has a separate Transportation Commission with existing demand models

for use in conducting conformity determinations.

11) Growth projections Calaveras County are not similar to the San Joaquin Valley area.

12) Meteorology and topography between the two area is different.

13) Traffic volume between Calaveras County and San Joaquin Valley area is minimal and is less than the traffic volume shared within the county.

14) EPA's one fits all size approach will hinder progress towards attaining the standard and will excessive administrative burden.

EPA Response: [See also the Justification for Amador County.] EPA agrees with the commenter's position to separate Calaveras County from San Joaquin Valley Nonattainment Area (NAA). EPA intended to group the downwind receptor Calaveras County area with the upwind source San Joaquin Valley area, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating Calaveras County as part of the Central Mountain Counties NAA, separate from the San Joaquin Valley NAA.

Comment 1097:

Region: 9

State: CA

Area: San Joaquin Valley, CA;Sacramento Metro, CA

Comment: A commenter is requesting that Amador, Calaveras, Tuolumne, and Mariposa Counties be designated as separate nonattainment areas from the San Joaquin Valley nonattainment area, and western Nevada County be designated as a separate from the Sacramento nonattainment area. The commenter presented reasons why these counties are distinct from the urban areas of the San Joaquin Valley and Sacramento Regions. Reasons cited for their request are found below.

1) All five counties are in a separate air basin form the San Joaquin Valley and Sacramento Region and have historically been identified by EPA and the CARB as such with different meteorology, topography and demographics.

2) These foothill counties are not in violation of the one-hour ozone standards is the San Joaquin and Sacramento Region.

3) These foothill counties are not located within any MSA.

4) CARB recognizes that the Mountain Counties Air Basin is impacted by overwhelming

transport of ozone and ozone precursors from upwind areas. Requiring more restrictive regulations on the downwind counties will not assist these counties in reaching attainment.

- 5) Local emissions in these mountain counties are insufficient to cause violations of the 8-hour standard.
- 6) All of these counties have separate air pollution control districts, which will develop, and implement control strategies to reduce emissions.
- 7) There are no major population centers in these counties.
- 8) These counties are working towards achieving effective local air quality controls to reduce emissions and the EPA recommendation may hinder their progress. Allowing the five counties to be a separate nonattainment area would lessen the economic impact on residents and local businesses.

EPA Response: [See also the Justifications for Nevada County and Amador County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (west Nevada County NAA), that Amador and Calaveras counties should be designated as their own 8-hour nonattainment area (Central Mountain Counties NAA), and that Tuolumne and Mariposa counties should be designated as their own 8-hour nonattainment area (Southern Mountain Counties NAA).

EPA intended to group the downwind receptor areas (west Nevada County, Amador and Calaveras, Tuolumne and Mariposa counties) together with the upwind source areas (Sacramento Region and San Joaquin Valley), as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate upwind and downwind nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region NAA. We are also designating Amador and Calaveras counties as their own 8-hour nonattainment area (Central Mountain Counties NAA), and Tuolumne and Mariposa counties as their own 8-hour nonattainment area (Southern Mountain Counties NAA), separate from the San Joaquin Valley NAA.

Comment 1099:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter is requesting that EPA designate Tuolumne County and the other air districts comprising the southern mountain counties air basin as a separate isolated rural nonattainment area consistent with CARB's recommendation for the 8-hour standard. The following reasons are cited for supporting their request.

- 1) If any one entity in the San Joaquin Valley goes out of compliance, such as Kern County, it is possible that sanctions related to non-compliance would apply to the entire nonattainment area. The potential for Tuolumne County to lose desperately needed transportation funding is not reasonable, nor can the county afford the risk.
- 2) The state has classified Tuolumne County nonattainment due to overwhelming transport. It is unfair and illogical to impose regulations and possible sanctions on an area in which pollution is transported from another area.
- 3) Under EPA boundary 1-hour guidance, Tuolumne County is outside the San Joaquin Valley's boundary area.
- 4) There are drastic differences in emission sources and severity of emissions in the San Joaquin Valley vs. Tuolumne County. San Joaquin Valley has heavy industrial and agricultural sources spread throughout the area, while Tuolumne County's main commerce is tourism.
- 5) Tuolumne County's is in a separate air basin and air district from the San Joaquin Valley.
- 6) Tuolumne County has a separate Transportation Commission with existing demand models for use in conducting conformity determinations.
- 7) Unlike the San Joaquin Valley, Tuolumne County has an extremely high proportion of federal lands that can't be developed.
- 8) Tuolumne County is significantly different in both population density and degree of urbanization. The population of Tuolumne County is 56,000 and the population density is 25 people per square mile vs. Stanislaus County in the San Joaquin Valley MSA that has a population of 470,000 and a population density of 300 people per square mile.
- 9) Growth projections for Tuolumne County are not similar to the San Joaquin Valley area.
- 10) Commute patterns between Tuolumne County and San Joaquin Valley area is minimal and is less than the traffic volume shared within the county.
- 11) The San Joaquin Valley Air Pollution Control District is opposed to EPA's recommendations.

EPA Response: [See also the Justification for Amador County.] EPA agrees with the commenter's position to separate Tuolumne County from San Joaquin Valley Nonattainment Area (NAA). EPA intended to group the downwind receptor Tuolumne County area with the upwind source San Joaquin Valley area, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are

designating Tuolumne and Mariposa counties as the Southern Mountain Counties NAA, separate from the San Joaquin Valley NAA.

Comment 1101:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter is supporting the CARB's proposal to designate the western portion of Nevada County, as well as Amador, Calaveras, Tuolumne, and Mariposa Counties as separate nonattainment areas from the San Joaquin Valley nonattainment area. The counties in question are rural areas, with only a few major industries, small population centers, and basic transportation systems. They are outside the MSAs covering the San Joaquin Valley and Sacramento metropolitan areas. For state air planning purposes, they are in a separate air basin from the larger, metropolitan areas upwind. A large part of the vehicle traffic in these counties comes from outside locations. The potential for the counties to effect major emission reductions on their own is small. Making the counties part of the upwind areas could disrupt the local economies and significantly impact the transportation planning process without yielding corresponding air quality benefits. For Amador, Calaveras, Tuolumne, western portion of Nevada, and Mariposa Counties, the adjacent portion of the San Joaquin Valley monitors substantially fewer and lower-magnitude ozone violations than the more southerly part of the valley. Therefore, these counties may achieve attainment well before it is reached in the San Joaquin Valley as a whole.

EPA Response: [See also the Justifications for Nevada County and Amador County.] EPA agrees that the western portion of Nevada County should be designated as its own 8-hour nonattainment area (NAA) (west Nevada County NAA), that Amador and Calaveras counties should be designated as their own 8-hour nonattainment area (Central Mountain Counties NAA), and that Tuolumne and Mariposa counties should be designated as their own 8-hour nonattainment area (Southern Mountain Counties NAA).

The EPA intended to group the downwind receptor areas (west Nevada County, Amador and Calaveras, Tuolumne and Mariposa counties) together with the upwind source areas (Sacramento Region and San Joaquin Valley), as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate upwind and downwind nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the western portion of Nevada County as a nonattainment area, separate from the Sacramento Region NAA. We are also designating Amador and Calaveras counties as their own 8-hour nonattainment area (Central Mountain Counties NAA), and Tuolumne and Mariposa counties as their own 8-hour nonattainment area (Southern Mountain Counties NAA), separate from the San Joaquin Valley NAA.

Comment 188:

Region: 9
State: CA
Area: San Joaquin Valley, CA

Comment: A commenter opposes EPA's intention to include Amador and Calaveras Counties in the San Joaquin Valley (SJV) nonattainment area. These counties should be designated as a separate nonattainment area. The commenter offers the following reasons: 1) Amador and Calaveras Counties are in a separate air basin than the San Joaquin Valley; 2) ozone levels are markedly different in these counties than in SJV; 3) monitoring data shows that Amador and Calaveras Counties are not in violation of the 1-hour standard but SJV is; 4) meteorological and topographical conditions are substantially different in Amador and Calaveras Counties than in SJV; 5) the State of California recognizes that these counties are impacted by transport; 6) restrictive control measures in these counties will not assist Amador and Calaveras Counties in reaching attainment; 7) local emissions from these rural counties are not sufficient to cause violations of the 8-hour ozone standard; 8) Amador and Calaveras counties are not included in any part of the SJV air basin or the MSA; 10) these counties have an existing framework for implementing local controls; 11) these counties have worked with the state of California to develop regional plans; 12) these counties have separate regional transportation commissions; and 13) local air districts are working to develop and implement local control measures to reduce emissions without creating unnecessary burdens on residents or businesses.

EPA Response: [See also the Justification for Amador County.] EPA agrees with the commenter's position to make Amador and Calaveras counties a separate nonattainment area (NAA) (Central Mountain Counties NAA). EPA intended to group the downwind receptor Amador and Calaveras counties area together with the upwind source San Joaquin Valley area, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating the Central Mountain Counties as a nonattainment area, separate from the San Joaquin Valley NAA.

Comment 189:
Region: 9
State: CA
Area: San Joaquin Valley, CA

Comment: A commenter notes that the Calaveras County Board of Supervisors request EPA to designate the southern Mountain Counties Air Basin, including Calaveras County as a separate nonattainment area. The Board believes that Calaveras County is clearly distinct from the San Joaquin Valley (SJV) area because: 1) Calaveras County is in a separate air basin from SJV; 2) Calaveras County is not in violation of the 1-hour ozone standard; 3) Calaveras County is not located in the SJV MSA; 4) the State of California has classified Calaveras County as nonattainment due to overwhelming impact by transport of ozone or ozone precursors; 5) ozone levels in Calaveras County (0.095ppm) are less than those in SJV (0.113ppm); 6) Calaveras

County is significantly different in population and growth projections; 7) Calaveras County air district has worked to develop robust control measures; 8) Calaveras County has a separate Transportation Commission with existing demand models for conducting conformity determinations; 9) traffic volume is different; and 10) requiring more restrictive regulations in Calaveras County will not achieve attainment of the 8-hour standard. Commenter also notes that even SJV is opposed to the recommendation to include Calaveras County in the SJV nonattainment area.

EPA Response: [See also the Justification for Amador County.] EPA agrees with the commenter's position to separate Calaveras County from San Joaquin Valley Nonattainment Area (NAA). EPA intended to group the downwind receptor Calaveras County area with the upwind source San Joaquin Valley area, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating Calaveras County as part of the Central Mountain Counties NAA, separate from the San Joaquin Valley NAA.

Comment 190:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter notes that the Tuolumne County Board of Supervisors request EPA to designate the southern Mountain Counties Air Basin, including Tuolumne County, as a nonattainment area separate from the San Joaquin Valley (SJV). The Board believes that Tuolumne County is clearly distinct because: 1) Tuolumne County is in a separate air basin from SJV; 2) Tuolumne County is not in violation of the 1-hour ozone standard; 3) Tuolumne County is not located in the San Joaquin MSA; 4) the State of California has classified Tuolumne County as nonattainment due to overwhelming impact by transport of ozone or ozone precursors; 5) 8-hour ozone DVs in the Southern Mountain Counties (0.091ppm) are less than those in SJV (0.115ppm) based on 2000-2002 data; 6) Tuolumne County is significantly different in population and growth projections; 7) Tuolumne County has a separate Transportation Commission with existing demand models for conducting conformity determinations; 8) traffic volume between Tuolumne County and SJV is minimal; and 9) requiring more restrictive regulations in Tuolumne County will not achieve attainment of the 8-hour standard. Commenter also notes that SJV AQMD is opposed to the recommendation to include Tuolumne County in the SJV nonattainment area.

EPA Response: [See also the Justification for Amador County.] EPA agrees with the commenter's position to separate Tuolumne County from San Joaquin Valley Non Attainment Area (NAA). EPA intended to group the downwind receptor Tuolumne County area with the upwind source San Joaquin Valley area, as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue

to recommend separate nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating Tuolumne County as part of the Southern Mountain Counties NAA, separate from the San Joaquin Valley NAA.

Comment 191:

Region: 9

State: CA

Area: San Joaquin Valley, CA

Comment: A commenter is opposed to including the foothill counties of Mariposa, Tuolumne, and Calaveras Counties in with the San Joaquin Valley Air Pollution Control District. He notes that the bad air in this area is transported from the Bay area and the San Joaquin Valley. He believes EPA wants to use the cleaner readings from the foothills area to dilute the bad readings from the valley.

EPA Response: [See also the Justification for Amador County.] EPA agrees that Calaveras, Tuolumne and Mariposa counties should be designated as part of a separate nonattainment area (NAA) from San Joaquin Valley.

The EPA intended to group the downwind receptor areas (Calaveras, Tuolumne and Mariposa counties) together with the upwind source areas (San Joaquin Valley), as expressed in our December 3, 2003 letter to the State. We asked at that time for the State to provide further information, if the State wished to continue to recommend separate upwind and downwind nonattainment areas. The State provided further, convincing justification in letters dated February 4 and April 9, 2004. We therefore agree with the commenter and are designating Amador and Calaveras counties as their own 8-hour nonattainment area (Central Mountain Counties NAA), and Tuolumne and Mariposa counties as their own 8-hour nonattainment area (Southern Mountain Counties NAA), separate from the San Joaquin Valley NAA.

The EPA disagrees with the commenter's assertion that EPA is "diluting" monitoring data of the valley areas with cleaner, yet still violating, monitored readings in the foothill areas. The commenter apparently misunderstands the designation process and the above paragraph explains the procedure we have followed in making designations for the foothill counties.

Comment 39:

Region: 9

State: CA

Area: Yuba City, CA

Comment: A commenter proposes that Sutter and Yuba Counties be designated attainment since neither monitor shows community exposure to ozone levels above the eight-hour standard, although the special purpose monitor atop the isolated Sutter Buttes Mountains had high ozone levels.

EPA Response: [See also the Justifications for Sutter County and Sutter-Buttes (Case IDs 1080, 2083 and 2084).] EPA agrees with the commenter's assertion that the population in Sutter and Yuba Counties are not exposed to air that violates the standard. However, EPA disagrees that this Sutter and Yuba counties should be designated attainment in their entirety. The monitor atop Sutter-Buttes mountains, in north Sutter County, receives pollution which is transported aloft from the Sacramento Region Nonattainment Area. This monitor violates the standard and therefore EPA is designating the higher elevation area of Sutter-Buttes nonattainment.

Comment 183:

Region: 9

State: CA

Area: Yuba City, CA

Comment: A commenter disagrees with use of the Sutter Buttes "special purpose" monitor to render nonattainment decisions in Yuba and Sutter Counties. The purpose of this monitor is to study upper level ozone transport and data from this site is not representative of population exposures. Therefore, data from this monitor is not valid data for determining attainment. He believes that EPA should focus on the Yuba City air monitoring station to address air quality concerns in the MSA.

EPA Response: EPA's policy on the use of special purpose monitoring data is stated in a memo from John Seitz, Director of EPA's Office of Air Quality Planning and Standards, to EPA regional air division directors, dated August 22, 1997. EPA believes that "special purpose" monitoring data can be used in designating an area nonattainment for a criteria pollutant, and in defining the boundaries of such an area. We agree with the commenter that the elevated monitor at Sutter-Buttes does not indicate air quality in the populated area surrounding the monitor at lower elevations. Monitors closer to the near-sea level elevation in the vicinity of Sutter-Buttes do not currently violate the 8-hour ozone standard. As such, EPA is reducing the size of the nonattainment area to an area near to and above the elevation of the violating monitor.

3.10 Responses to Comments

General Comments

Comment 117:**Region: HQ****State:****Area:**

Comment: All counties in a MSA or C/MSA where a monitored violation of the standard has occurred should be designated nonattainment. Failure to promulgate protective nonattainment designations would threaten public health. Narrow boundaries will also lead to considerable economic inequities.

EPA Response: For areas with an air monitor violating the 8-hour ozone standard, EPA has stated that the presumptive nonattainment area is the MSA or consolidated metropolitan area or old 1-hour boundary, whichever is larger. EPA adopted this presumption from the presumption Congress established for certain 1-hour ozone nonattainment areas immediately following enactment of the CAA Amendments of 1990. EPA also adopted, consistent with that presumption, the criteria Congress established for considering whether to modify the presumptive boundaries. EPA issued guidance on the presumptive areas and the factors to consider in modifying boundaries on March 28, 2000. This guidance provided 11 factors for states and tribes to consider when recommending boundaries for nonattainment areas. An analysis may determine that the area should be larger or smaller than the presumptive area and should be a complete evaluation of all 11 factors. We believe that this process will ensure that all areas that meet the definition of nonattainment under the statute will be included as part of a nonattainment area; thus, public health will be adequately protected by the states development of plans to attain the standards within these areas.

Comment 123:**Region: HQ****State:****Area:**

Comment: EPA should designate as nonattainment all areas that contribute to nonattainment in a nearby area even if it is outside the boundaries of the MSA or C/MSA. Numerous examples are given from across the U.S.

EPA Response: We agree that the CAA requires areas that are contributing to a violation in a nearby area to be designated nonattainment. While we generally believe that the presumptive area will include "nearby" areas, there are some instances where areas outside the presumptive area may be "nearby" the violating monitor and contributing to the violation. The 11 factors provided in our guidance are for the purpose of considering whether to expand, as well as considering whether to decrease, the size of a presumptive area. These factors relate to whether the area under consideration is "contributing" to a violation of the standard. Our technical analysis for each area (generally by county) is included in the technical justifications section of the docket

Comment 124:**Region: HQ****State:****Area:**

Comment: Counties adjacent to a MSA or C/MSA with monitored violations should be designated with the MSA or C/MSA to form a more comprehensive nonattainment area. This ensures a comprehensive nonattainment area and that the violating county is not artificially split off from the adjacent C/MSA. Numerous examples are given.

EPA Response: While EPA believes there are advantages for unified air quality planning, a variety of factors need to be considered in determining whether it makes sense to have one larger nonattainment area or two or more separate nonattainment areas. In some cases, separate areas may allow for more expeditious implementation of measures to improve air quality as separate areas. For example, there are adjacent areas in California in which a downwind area believes it may be able to attain more expeditiously than an adjacent upwind area. In such a case, where the downwind area has a less significant problem and is not significantly contributing to the area with higher monitored values, it does not make sense to group these areas and make the downwind area subject to the more stringent planning requirements and to allow for a later attainment date. In addition, EPA could arguably create one broad nonattainment area for much of the northeast as there are many contiguous areas violating the 8-hour standard. However, such a broad area would involve so many different local planning organizations that planning and implementation of controls could be delayed due to the complexities of coordination. EPA considered each area to ensure that the classifications reflected the actual problem within the area and to ensure that effective planning would not be stymied.

Comment 125:**Region: HQ****State:****Area:**

Comment: EPA should ensure that interstate and intrastate areas have comprehensive, coordinated boundaries. Areas that are inextricably linked should not be separated. Many examples are given.

EPA Response: As provided in the previous response, EPA considered the benefits and detriments of coordinated planning for areas and attempted to ensure that the designations and classifications best reflected the problems of the area and the need for coordinated planning. We note that States must accept the ultimate responsibility for ensuring that transported pollution between intrastate areas is addressed.

Comment 135:**Region: HQ****State:**

Area:

Comment: EPA should designate as nonattainment areas surrounding violating monitors plus nearby areas that contribute to violations of the 8-hour standard. This is in keeping with the CAA requirements and subsequent litigation.

EPA Response: We agree that any area that is violating the 8-hour ozone standard and any nearby area contributing to such violation should be designated nonattainment. Our designations, which are based on the March 2000 boundary guidance reflecting the statutory definition of nonattainment, include all violating and contributing areas as nonattainment.

Comment 159:

Region: HQ

State:

Area:

Comment: EPA's proposed use of MSAs and CMSAs as default boundaries infringes on Tribal Sovereignty by potentially imposing nonattainment area requirements from adjacent jurisdictions on tribal governments. For tribal areas, the burden of proof should be on EPA to demonstrate affected tribal areas belong in the nonattainment area, based on either NAAQS violations or contribution to downwind violations.

EPA Response: The CAA requires EPA to designate all areas of the country for each criteria pollutant and this responsibility includes Indian country. EPA encouraged Tribes to provide designation recommendations for areas under their jurisdiction for the 8 hour ozone standard. EPA invited Tribal leaders to consult on the designation boundaries and has supported the Tribal Designations Work Group which has listened to Tribes' concerns, including EPA using the CMSA boundaries as the default for nonattainment areas. EPA provided boundary guidance for Tribes in July, 2000 which outlined a process for Tribes to use the 11 factors in the Guidance to recommend their preferred nonattainment boundaries. EPA has established an extensive monitoring network for ozone. While this network does not contain a monitor on all Tribal lands, it allows EPA to make designations for areas based on available air quality information.

We considered each designation recommendation made by a Tribe. Where a tribe did not submit a recommendation, EPA evaluated whether the Tribal area was violating the standard and also evaluated whether the 11 factors supported a conclusion that Tribal areas were contributing to a nearby violation.

Comment 160:

Region: HQ

State:

Area:

Comment: If EPA establishes designation boundaries that do not respect tribal boundaries, tribes

will be severely limited when developing air quality programs due to nonattainment restrictions that will be imposed on tribal governments. Tribes will have to implement nonattainment controls based on neighboring jurisdiction requirements simply because the reservation is located adjacent to an area that has failed to control air pollution.

EPA Response: The designations process identifies areas that tribal and local jurisdictions need to consider when taking actions to reduce emissions. It also identifies areas where the air quality does not meet the health based standard. While not all tribal lands contain monitors, EPA's extensive monitoring network allows EPA to determine the appropriate nonattainment areas. Air pollution is not contained by jurisdictional boundaries and it will take a joint effort to improve the public health for all peoples. State and local jurisdictions may not impose regulatory requirements on tribal lands. Rather, the tribes (or EPA on behalf of tribes that choose not to participate) will need to work with the States to determine the appropriate controls and where they should apply for purposes of bringing an area into attainment with the 8-hour ozone standard.

Comment 162:

Region: HQ

State:

Area:

Comment: Tribes question the appropriateness of using data from a separate jurisdiction to base designations over tribal lands. Tribes are concerned that the data generated by a separate jurisdiction will not be representative of the conditions within the reservation. An unclassifiable designation should be used until data is collected.

EPA Response: EPA has found that ozone is a pervasive pollutant and is not confined to small areas. While not all tribal lands contain monitors, EPA's extensive monitoring network allows EPA to determine the appropriate nonattainment areas. Air pollution is not contained by jurisdictional boundaries and it will take a joint effort to improve the public health for all peoples. EPA is designating areas as either nonattainment or attainment/unclassifiable. EPA believes the monitoring network allows us to make informed decisions regarding the nonattainment boundaries including the ability to make nonattainment designations for appropriate tribal lands based on the available monitoring information. The EPA anticipates that in most cases relevant air quality information will indicate that areas of Indian country located within CMSAs or MSAs should have the same designation as the surrounding area.

Comment 179:

Region: HQ

State:

Area:

Comment: Commenter thanks EPA for their strong step towards achieving the 8-hour ozone standard. However, they note that there were a number of states that recommended omitting or

subdividing areas where significant populations are exposed to unhealthy air. They note that some recommendations did not include areas with pollution sources that contribute to violations of the standard. They encourage EPA not to weaken their position on designations.

EPA Response: On December 3, 2003, EPA provided letters to the states describing the areas we intended to designate as nonattainment. In these letters, there were areas where we indicated that we were in agreement as well as areas we indicated an intention to modify the states recommendations. The commenter noted that EPA's letters to the states made some changes to state's recommendations but not to the extent recommended by the commenter. While EPA respects the commenters position, EPA has generally not expanded the areas it indicated it intended to designate as nonattainment in December 2003. We have continued to follow the CAA and our boundary in evaluating technical information indicating whether an area is violating the 8-hour NAAQS or contributing to a nearby violation. Our technical analysis and justification for each area is provided in the technical justification section of the docket.

Comment 246:

Region: HQ

State:

Area:

Comment: The entire MSA area should be the minimum presumptive boundary, as the Seitz memo declares. The factors that provide the basis for such a network are also the same factors (transportation systems, commuting patterns, employment locations) which contribute to ozone pollution. To leave off areas already recognized as part of the urban area arbitrarily removes a piece of the problem.

EPA Response: As provided in our March 28, 2000, the presumptive nonattainment area is the larger of the C/MSA or the 1-hour nonattainment area. The Guidance further provides 11 factors for states and tribes to consider when recommending a different (either larger or smaller) boundary than the presumptive boundary. The commenter appears to assume that designating less than the presumptive area is arbitrary. We disagree. This process is consistent with the process Congress enacted for areas immediately following enactment of the CAA Amendments of 1990. We believe it is appropriate to start with a presumptive area, but then to consider a variety of factors in determining whether the boundary should differ from the presumptive area. These 11 factors focus on criteria that indicate whether an area contributes to a violation in a nearby area. Of course, any area with a violating monitor must be designated nonattainment and the factors are not used to exclude an area violating the standard.

Comment 1031:

Region: HQ

State:

Area:

Comment: A commenter notes that EPA asked for the American Lung Association's input on

how to respond to states that make the argument that an area not attaining the standard should not be designated as nonattainment because models show that the area will later attain the standard based on pollution reductions that have been adopted.

The commenter states that EPA's decision on whether to designate an area nonattainment must be separate from the decision on what a community must do to clean up the air. In addition, the models used to show that an area will be in attainment often do not reflect reality and additional controls are needed. A failure on EPA's part to designate the areas now will make it more politically difficult to do so in the future.

EPA Response: The CAA requires that EPA to designate areas as nonattainment if they do not meet the standard or contribute to ambient air quality in a nearby area that does not meet the standard. The EPA is establishing nonattainment areas based on the most current air quality monitoring data (2001-2003), which indicates the area that is violating the standard. For purposes of determining the areas that are contributing to the violation and the appropriate boundary for the nonattainment area, we did not consider the future implementation of control measures in determining to draw narrow boundaries. Rather, control measures should be considered by the States in developing a plan to bring the area into attainment for the 8-hour standard.

Comment 1032:

Region: HQ

State:

Area:

Comment: A commenter notes that EPA requested a recommendation from the American Lung Association addressing the argument from some states that rural portions of counties should not be included in the nonattainment area.

The commenter points to areas like Memphis where EPA, in the past, allowed the rural parts of counties to be attainment while the urbanized parts were designated nonattainment. He notes that in this situation, the rural part of the county grew rapidly and there were no key controls in place to address the pollution. A split county also makes it more difficult to enforce I/M requirements. Commenter points out that the entire MSA should be the minimum presumptive boundary.

EPA Response: For areas with an air monitor reading a violation of the standard, the EPA presumptive nonattainment area is the MSA or consolidated metropolitan area or old 1-hour boundary, whichever is larger. EPA provided guidance on appropriate boundaries on March 28, 2000. This guidance provided 11 factors for states and tribes to consider when recommending boundaries that were either larger or smaller than the presumptive boundary. Factors like population density, degree of urbanization and location of emissions sources play a part in the decision making. In making designations for the 8-hour NAAQS, EPA generally designated a full county as nonattainment if the county had a violating monitor. However, there are examples where the designation includes less than a full county. In general, these are cases where there is a

physical barrier in the county (such as a mountain range, the county is extremely large, or portions of the county are rural and unlikely to be developed.

Comment 296:

Region: HQ

State:

Area: Austin-San Marcos, TX; Beaumont-Port Arthur, TX; Dallas-Fort Worth, TX; Atlanta, GA; Chicago-Gary-Lake County, IL-IN; South Bend-Elkhart, IN; Augusta, GA; St. Louis, MO-IL; Houston-Galveston-Brazoria, TX; Chattanooga TN-GA; Fort Wayne, IN; Indianapolis, IN; Terre Haute, IN; Cincinnati-Hamilton, OH-KY-IN

Comment: Some states fail to recommend the entire C/MSA as nonattainment. The commenter notes that the basis for designating geographic boundaries of MSAs and C/MSAs are interconnections in transportation - especially commuting patterns- and economy, critical factors which comprise key contributing elements to an area's ozone pollution. Failure to include entire MSAs or C/MSAs means that those contributing factors cannot be fully addressed. Numerous examples from Texas, Tennessee, Georgia, Indiana, Missouri, and Illinois are cited.

EPA Response: The March 2000 EPA Guidance establishes that the presumptive nonattainment area is the MSA or consolidated metropolitan area or old 1-hour boundary, whichever is larger. However, it also provided 11 factors for states and tribes to consider when recommending boundaries that were different (either larger or smaller) than the presumptive area. While commuting patterns is one of the 11 factors, in determining whether to modify the state's recommendations, we considered all 11 factors for each area. Decisions on specific areas are located in the technical justifications in the docket along with other technical data regarding the 11 factors.

Comment 126:

Region: HQ

State:

Area: Denver-Boulder-Greeley-Ft Collins-Love., CO; San Francisco Bay Area, CA

Comment: Commenters assert that areas that monitor violations after the submittal of the state recommendations should be designated nonattainment. EPA should base final designations on 2001-2003 data. For example, Denver C/MSA (plus Elbert, Grand, Larimer, and Morgan Counties) and San Francisco C/MSA should be designated nonattainment.

EPA Response: Since the initial state recommendations some areas are now showing violations of the standard while other areas are now showing attainment of the standard. EPA is using the most current 2001-2003 monitoring data to designate areas. Thus, some areas the states recommended as attainment based on 2000-2002 data will be designated nonattainment based on 2001-2003 data and some areas that states recommended as nonattainment based on 2000-2002 data will be designated attainment based on 2001-2003 data. The technical justification portion of the docket and the regulatory tables provide identification of nonattainment counties and the

most current monitoring values.

Comment 295:

Region: HQ

State:

Area: Essex Co (Whiteface Mtn), NY;Chicago-Gary-Lake County, IL-IN;Murray Co
Chattahoochee Nat Forest Mtns, GA

Comment: There are cases where states fail to include the entire counties where monitors show violations. The failure to include entire counties ignores long-recognized concepts of ozone formation and transport. To allow such a "Swiss cheese" approach to the air pollution problems of a county both adds to the problems of implementing any programs in those counties and greatly reduces the likelihood that they will be able to successfully reduce ozone pollution. Examples for Chicago MSA, Murray Co. Georgia, and Essex County New York are cited.

EPA Response: In general, EPA agrees that the whole county with a violating monitor should be designated nonattainment. However, EPA did allow for some partial counties within nonattainment areas. For information about a particular area, please see the justification for that area within the docket. Each area had a particular case that determined its boundary. EPA applied the 11 factors provided in the guidance to make these decisions.

Comment 294:

Region: HQ

State:

Area: Fort Wayne, IN;Greene Co, IN;Rochester, NY

Comment: Many states failed to recommend as nonattainment all counties showing a violation of the NAAQS. Examples cited include counties from Illinois, New Jersey, Tennessee, Indiana and New York.

EPA Response: While some states did not recommend areas with violating monitors as nonattainment, EPA followed that CAA and designated areas with violating monitors as nonattainment. EPA also followed out March 2000 Guidance to determine the appropriate boundary for each nonattainment area.

Comment 121:

Region: HQ

State:

Area: Macon, GA;Charlotte-Gastonia-Rock Hill, NC-SC

Comment: All counties within a C/MSA or multi-jurisdictional area should be designated nonattainment, or States should be required to adduce a compelling basis for smaller boundaries. Macon, Georgia MSA, Charlotte MSA and numerous others omitted one or more areas or counties without any reasoned explanation.

EPA Response: As provided in our other responses, the States were to consider 11 factors when recommending boundaries for nonattainment areas and EPA considered those same factors in determining whether to modify the state's recommendation. We considered and balanced each of the 11 factors in making designations for each area. Our analysis and decision for each area, including those identified by the commenter, is provided in the technical justification section of the docket.

Comment 122:

Region: HQ

State: GA

Area: Macon, GA

Comment: The entire Macon, Georgia MSA and Monroe and Putnam Counties should be designated nonattainment. Commuting, growth, and emissions were cited.

EPA Response: Our analysis of the 11 factors for the areas mentioned by the commenter is provided in the technical justification section of the docket.

Comment 118:

Region: HQ

State: IN, NY, LA, IL

Area: Greene Co, IN; Jackson Co, IN; Indianapolis, IN; Evansville, IN; Fort Wayne, IN; Essex Co (Whiteface Mtn), NY; Rochester, NY; St. Louis, MO-IL

Comment: The EPA must designate all counties with monitored violations and their C/MSAs as nonattainment. For example, Indiana did not recommend nonattainment designations for Greene, Jackson, Morgan, Posey, and Huntington Counties. Other examples included Jefferson Parrish, Essex County in New York, Rochester New York, and Jersey, Illinois.

EPA Response: The CAA requires EPA to designate areas as nonattainment if they do not meet the national ambient air quality standard or if they contribute to a violation in a nearby area. As provided elsewhere in the Response to Comments Document, while the presumptive nonattainment area is the larger of the C/MSA or 1-hour nonattainment area, we have provided 11 factors that the states and EPA considered in determining whether to modify that presumption for a specific area.

In the technical analysis section of the docket, EPA has provided its rationale for the designation decision it has made for each area of the country, including those identified by the commenter.

Comment 120:

Region: HQ

State: NC; VA; SC

Area: Rocky Mount, NC; Haywood & Swain Cos (Great Smoky NP), NC; Haywood County,

NC (Plott Balsam Mountains); Haywood, Jackson, & Transylvania Counties, NC (Great Balsam Mountains); Buncombe, McDowell, & Yancey Counties (Blue Ridge, Black & Great Craggy Mountains), NC; Madison & Page Cos (Shenandoah NP), VA; Murray Co Chattahoochee Nat Forest Mtns, GA; Hickory-Morganton-Lenoir, NC; Due West Monitoring Site, SC

Comment: The EPA should not designate small "spot" areas as nonattainment. Doing so violates the CAA and EPA's boundary guidance. The letter cites the Rocky Mount MSA, NC mountains above 4000 feet, McDowell and Yancey Counties in NC, Shenandoah National Park, Cohutta Class I Wilderness Area in Murray County, GA, Hickory MSA, and Abbeville County, SC.

EPA Response: For areas with an air quality monitor violating the 8-hour ozone standard, the EPA presumptive nonattainment area is the MSA **Comment 1018:**

Region: 3

State: DE

Area:

Comment: A commenter feels it is inappropriate to designate counties without ozone monitors as "attainment/unclassifiable." Aside from public health issues in these designated "attainment/unclassifiable" counties, the commenter's concern is that these counties contribute, sometimes significantly, to the 8-hour ozone nonattainment problems in downwind states. If these counties are allowed to continue their contribution without controls, downwind states, including Delaware, are very likely to fail to attain the 8-hour ozone NAAQS in a timely and cost-effective manner.

EPA Response: The CAA requires EPA to designate as nonattainment any area that is monitoring a violation of the standard or that is contributing to a violation of the standard in a nearby area. Thus, our designations include both areas monitoring violations of the 8-hour standard and those nearby areas that are contributing to violations at those monitors. The issue of regional transport primarily concerns longer-range transport -- i.e., transport from areas that are not "near-by." EPA agrees this is an important issue and in 1997 issued the NOx SIP Call to address long-range transport of ozone and NOx in the eastern portion of the United States. More recently, EPA has proposed the IAQR that, if finalized, would require further control of transported emissions.

Comment 1014:

Region: 3

State: DE

Area: Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE

Comment: A commenter does not agree with EPA's modification of Delaware's recommendation to include New Castle, Kent, and Sussex Counties as part of the Philadelphia C/MSA

nonattainment area. Delaware recommended in their designation letter that EPA designate regional nonattainment areas much broader in size than the C/MSA boundaries. It is necessary to designate a much broader, contiguous, interstate nonattainment area that includes all relevant upwind states (or at least their emission-generating counties). Specifically, Delaware strongly recommends that the area described in the recent IAQR be used to set 8-hour nonattainment boundaries. This means that Delaware's three counties should be included within a broad interstate nonattainment area that includes: a) All counties in states that impact Delaware (i.e., Maryland, Michigan, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia), and all counties in the states that Delaware impacts (i.e., New Jersey, New York, and Pennsylvania), or b) If the EPA determines that it cannot include counties monitoring attainment in this broad nonattainment area, all counties monitoring nonattainment or are modeled to be nonattainment in the above mentioned states.

EPA Response: The EPA believes that it is possible to address long range ozone transport while also accommodating the practical constraints to ozone air quality planning. The NOx SIP Call and the forthcoming IAQR will address long range transport through broader regional controls. The inclusion of all three DE counties in the Philadelphia 8-hour ozone nonattainment area allows DE the ability to address the local sources of ozone pollution.

or consolidated metropolitan area or old 1-hour boundary, whichever is larger. EPA provided guidance on appropriate boundaries on March 28, 2000. This guidance provided 11 factors for states and tribes to consider in recommending boundaries for nonattainment areas. A complete analysis of the 11 factors for each area must be done to determine the appropriate boundary.

We note that there are a few mountaintop areas where monitors are located. Generally, these mountaintop areas are in a different airshed than the surrounding areas -- in other words, the surrounding areas are not contributing to the violation at that monitor. In those limited cases, EPA has designated a relatively small area as the nonattainment area. Details regarding specific areas is located within the technical justification portion of the docket.

Comment 119:

Region: HQ

State: PA

Area: Scranton-Wilkes-Barre, PA

Comment: Areas where monitors were relocated or terminated that were poised to violate the 8-hour standard should be designated nonattainment. Monroe County, PA was cited as an example. CASTNet monitoring should also be used for designations when other monitoring is inadequate.

EPA Response: There is a specific basis for each situation where a monitor was terminated or relocated. Often times these monitors were located to address a local issue and not as a part of the ozone monitoring network. These monitors also may not conform to the policies and quality assurance programs needed for EPA to make designation decisions. The CASTNET monitors are not established as part of the ozone network and do not meet the quality assurance programs

needed to establish designations. The ozone network is extensive and provides sufficient information to make designations.